

**CITY OF MONTEREY PARK
PLANNING COMMISSION AGENDA**

REGULAR MEETING

**Monterey Park City Hall Council Chambers
320 West Newmark Avenue
Monterey Park, CA 91754**

**TUESDAY
JANUARY 27, 2015
7:00 PM**

MISSION STATEMENT

**The mission of the City of Monterey Park is to provide excellent services
to enhance the quality of life for our entire community.**

Staff reports, writings, or other materials related to an item on this Agenda, which are distributed to the Planning Commission less than 72 hours before this scheduled meeting are available for public inspection in the City Clerk's Office located at 320 West Newmark Avenue, Monterey Park, CA 91754, during normal business hours. Such staff reports, writings, or other materials are also on the City's website subject to staff's ability to post the materials before the meeting. The City's website is located at <http://ci.monterey-park.ca.us/home/index.asp>. Copies of staff reports and/or written documents pertaining to any item on the Agenda are on file in the Community and Economic Development Department – Planning Division and are available for public inspection during regular business hours.

PUBLIC COMMENTS ON AGENDA ITEMS

For members of the public wishing to address the Planning Commission regarding any item on this Agenda, including Oral Communications, please fill out a speaker card and return it to Planning staff before the announcement of the Agenda Item.

Speakers are provided five (5) minutes per individual on each published agenda item. Individual speakers may consolidate time with another speaker's time; the total consolidated time cannot exceed two (2) minutes per speaker giving up time. However in the interest of ensuring that all members of the Public have an equal opportunity to participate, a single speaker cannot speak for more than ten (10) minutes on an individual Agenda item. If there are a large number of speakers on a particular agenda item, the Chairperson, as confirmed by the Planning Commission, may reduce the amount of time allotted to each speaker or limit the total amount time allowed for speakers to address the agenda item. At the conclusion of that period of time, the speaker will be asked to please conclude their remarks so that the next speaker may begin their comments.

In accordance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please call City Hall, (626) 307-1359. Please notify the Community and Economic Development Department twenty-four hours prior to the meeting so that reasonable arrangements can be made to ensure availability of audio equipment for the hearing impaired. Council Chambers are wheelchair accessible.

CALL TO ORDER – Chairperson Rodrigo Garcia

ROLL CALL – Commissioners Choi, Hamner, Lam, and Sullivan

AGENDA ADDITIONS, DELETIONS, CHANGES AND ADOPTIONS

ORAL AND WRITTEN COMMUNICATIONS

MINUTES

PUBLIC HEARINGS

[1.] UNFINISHED BUSINESS

[1-A. CONDITIONAL USE PERMIT – 780 WEST GARVEY AVENUE \(CU-14-02\)](#)

The applicant, Tim Saivar, is requesting approval of a Conditional Use Permit to allow a financial use (bank) in conjunction with the construction of a new one-story, 3,800 square foot building development at 780 West Garvey Avenue in the R-S, (P-D) (Regional Specialty Center, Planned Development) zone.

This project was determined to be a Class 3 (New Construction or Conversion of Small Structures) Categorical Exemption pursuant to CEQA Guidelines § 15303 (c) and Class 32 (In-fill Development Projects) Categorical Exemption pursuant to CEQA Guidelines § 15332.

It is recommended that the Planning Commission consider taking the following actions:

- (1) Reopening the public hearing;
- (2) Receiving documentary and testimonial evidence;
- (3) Closing the public hearing;
- (4) Adopting the Resolution approving the requested Conditional Use Permit (CU-14-02) subject to conditions of approval contained therein; and
- (5) Taking such additional, related, action that may be desirable.

[1-B. PRECISE PLAN AND CONDITIONAL USE PERMIT – 220 NORTH ATLANTIC BOULEVARD \(PP-14-01/CU-14-06\)](#)

The applicant, 220 Hotel Atlantic, LLC, is requesting approval of a Precise Plan to construct a new 6-stories, 180-room “Double Tree” hotel and a Conditional Use Permit to allow general on-sale license of alcohol and compact parking in conjunction with the construction of the new hotel at 220 North Atlantic Boulevard in the R-S, P-D (Regional Specialty, Planned Development) zone.

As required by the California Environmental Quality Act (CEQA), the City prepared an Initial Study to determine what environmental impacts, if any, would be generated by the proposed project. Following the Initial Study, it was determined that although the proposed project could have a significant effect on the environment, there will not be significant effects in this case because revisions in the project have been made by or agreed to by the project proponent and a Mitigated Negative Declaration was prepared. Less than significant impacts with mitigations incorporated were identified in the areas of Air Quality, Cultural Resources, Hazardous Materials, Noise, and Transportation and Traffic. The mitigation measures relative to air quality, cultural resources, hazardous materials, and noise addresses actions that must be taken prior and during the construction process. Staff recommends that after consideration of the Initial Study and comments received during the public review period, that the Planning Commission adopt the Mitigated Negative Declaration.

It is recommended that the Planning Commission consider taking the following actions:

- (1) Reopening the public hearing;
- (2) Receiving documentary and testimonial evidence;
- (3) Closing the public hearing;
- (4) Adopting the Resolution approving the requested Precise Plan (PP-14-01) and Conditional Use Permit (CUP-14-06), subject to conditions of approval contained therein; and
- (5) Taking such additional, related, action that may be desirable.

[2.] NEW BUSINESS

2-A. MODIFICATION OF PRECISE PLAN (PP-13-01) – 808 WEST GARVEY AVENUE (MPP-15-01)

The applicant, M&A Gabee, LP, is requesting approval to modify an approved Precise Plan to construct a new mixed-use development at 808 West Garvey Avenue. The subject property is located on the southwest corner of West Garvey Avenue and South Atlantic Boulevard. The property is zoned R-S, P-D (Regional Specialty, Planned Development) and the General Plan designation is Mixed-Use I.

The CEQA Guidelines provide that if a project is proposed which is the subject of a previous environmental document and the City finds that no new effects could occur or new mitigation measures would be required, the City can approve the activity as being within the scope of the project covered by the previous environmental document and no new environmental document would be required (see, e.g., CEQA Guidelines § 15168). As set forth in attached Exhibit “B,” which is incorporated by reference, the Planning Commission finds that the Project is consistent with the approved project and the environmental analysis set forth in the 2014 MND. Consequently, a new environmental document is not required. Specifically, the Project will not result in any new environmental effects or require additional mitigation measures. Accordingly, the Project will not result in any additional development beyond that anticipated in the 2014 MND.

It is recommended that the Planning Commission consider taking the following actions:

- (1) Opening the public hearing;
- (2) Receiving documentary and testimonial evidence;
- (3) Closing the public hearing;
- (4) Adopt Resolution no. _____ approving Modification to Precise Plan (PP-13-01) (MPP-15-01), subject to conditions contained therein; and
- (5) Taking such additional, related, action that may be desirable.

2-B. CODE AMENDMENT – REGULATING BOARDING HOUSES AND ADDING DEFINITIONS (CA-15-01)

The City is initiating a code amendment to amend Monterey Park Municipal Code (“MPMC”) § 21.04.147 regulating boarding houses; adding § 21.04.037 defining adult care facility; amendment MPMC § 21.04.251; deleting § 21.04.469 defining home care; adding § 21.04.483 defining sober living facility; amending § 21.04.743 defining residential care facility; adding § 21.04.799 defining single-family residence; amending § 21.04.812 defining sober living facility; amending § 21.08.030 regulating land uses in the R-1 zone; amending § 21.08.040 regarding renting; and amending § 21.32.020 regulating renting of boarding houses.

This ordinance is exempt from additional environmental review under the California Environmental Quality Act (California Public Resources Code §§ 21000, *et seq.*, “CEQA”) and CEQA regulations (14 California Code of Regulations §§ 15000, *et seq.*) because it establishes rules and procedures to permit operation of existing facilities; consists only of minor revisions and clarifications to existing regulations and specification of procedures related thereto; and consists of actions taken to assure the maintenance, protection and enhancement of the environment. This ordinance, therefore, does not have the potential to cause significant effects on the environment. Consequently, it is categorically exempt from further CEQA review under 14 California Code Regulations §§ 15301, 15305, and 15308.

It is recommended that the Planning Commission consider taking the following actions:

- (1) Providing comments on the Code Amendment (CA-15-01);
- (2) Directing staff to schedule the Code Amendment on the Planning Commission meeting of February 10, 2015 for final review and consideration; and


(3) Taking such additional, related, action that may be desirable.

[3.] COMMISSION COMMUNICATIONS AND MATTERS

[4.] CLOSED SESSION

ADJOURN

APPROVED BY:

MICHAEL A. HUNTLEY	
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Planning Commission Staff Report

DATE: January 27, 2015

AGENDA ITEM NO: 1-A

TO: The Planning Commission
FROM: Michael A. Huntley, Community and Economic Development Director
SUBJECT: A Public Hearing to consider a Conditional Use Permit (CU-14-02) to allow a financial use (bank) in conjunction with the construction of a new 3,800 square foot commercial building – 780 West Garvey Avenue.

RECOMMENDATION:

It is recommended that the Planning Commission consider:

- (1) Open a public hearing (this matter was continued from January 13, 2015 in order to conduct a public hearing);
- (2) Receiving documentary and testimonial evidence;
- (3) Closing the public hearing;
- (4) Adopting the attached Resolution approving the requested Conditional Use Permit (CU-14-02) subject to conditions of approval contained therein; and
- (5) Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

The applicant, Tim Saivar, is requesting approval of a Conditional Use Permit to allow a financial use (bank) in conjunction with the construction of a new one-story, 3,800 square foot commercial building at 780 West Garvey Avenue. The property is located at the southeast corner of West Garvey Avenue and North Atlantic Boulevard. The property is zoned R-S, (P-D) (Regional Specialty Center, Planned Development) zone and is designated C (Commercial) in the General Plan.

The property is 20,565 square feet (0.47 acre) in size and is surrounded by commercially zoned lots to the north, east, south and west. The site is currently developed with a gasoline service station comprised of a 1,101 square foot one-story convenience mart with an attached auto service bay area and two canopies with 8 fueling pumps. The property is accessible from four driveways, including two driveways on Atlantic Boulevard and two driveways on Garvey Avenue. The building is currently placed towards the center of the property with parking and related landscaping in the rear. The applicant is proposing to demolish all the structures on the lot and abandoning two driveways closest to the intersection and relocating one driveway on Atlantic Boulevard.

Based on an environmental report prepared by Leymaster Environment Consulting, LLC,

the project site has been in use as a gasoline station since 1949 and is currently occupied by a Valero service station. The Baseline Site Assessment indicates that the underground soils have gasoline contamination from the underground storage tanks. According to the report, the Regional Water Quality Control Board Los Angeles Region (RWQCB) is the lead agency for the oversight of the cleanup to the site and Chevron is the responsible party for the cleanup of the site. Cleanup includes removing all underground storage tanks (USTs) and piping from the site. According to the Leymaster Environmental Report, the remediation of the soils for removing gasoline contamination from subsurface soils would be to install a soil vapor extraction (SVE) system that would consist of a number of vapor-extraction wells. Conditions of approval are included for the remediation of the soils within the property.

Analysis and Response to Commission Comments:

This item was previously brought before the Planning Commission at the meeting of January 13, 2015. At the meeting, the Commission took no official action and the item was continued for two weeks. At the meeting, there were two items of concern and requested staff to bring back further information including 1) providing information for the time frame to complete the remediation of the soils on the site and the ability to occupy the building during the soils remediation; and 2) the conformance of the proposed financial bank use with the objectives of the General Plan. The requested information is provided in this staff report.

Remediation of Site

Since the meeting, the applicant has provided information for the timing of the soils remediation of the site, the building occupancy during remediation and a site plan that illustrates the location of the remediation equipment. On January 20, 2015, staff received a letter dated January 19, 2015, from the applicant that was prepared by Leymaster Environmental Consulting, LLC, which explains the underground storage tank removal and the potential remediation process (Exhibit C). Based on the information that was provided, a permit to remove the underground storage tanks will be issued by the Los Department of Public Works. After the tanks are removed (which can take several weeks) soil samples are collected and analyzed. Following the collection of the soil samples a report for the underground storage tanks removal is submitted to the Department of Public Works within two to six weeks then the report is forwarded to the Los Angeles Regional Water Quality Control Board with analytical data stating that the site has been impacted by the underground storage tanks. The Regional Water Quality Control Board will then issue a letter that a work plan is required for further investigation which can take up to two months to issue the letter. A work plan would then be prepared and submitted within two months to the Regional Water Control Board for review and approval which may take up two months. Further investigations will then take place at the site to determine the extent of the contamination and a report will have to be submitted to the Regional Water Quality Control Board within one to three months to indicate if further investigation is necessary, or if a remedial action plan to remediate the site will be required, or no further investigation will be required. Furthermore, the timing of the remediation may vary depending on the extent of the contamination.

According to the Leymaster Environmental Report, building occupancy during remediation (Exhibit D) will be overseen by either one of the following three governmental environmental agencies if there is a potential for vapor intrusion for the proposed commercial building the soil vapor remediation: Los Angeles Regional Water Quality Control Board(RWQCB), the Department of Toxic Substances Control (DTSC), and the Los Angeles County Fire Department-Site Mitigation Unit (LACFD-SMU) to make sure there is no health risk to the building occupants from soil contamination or potential vapor intrusion. Furthermore, the future occupant Wells Fargo submitted a letter (Exhibit E) that acknowledges that there will be a soil vapor extraction remediation system in operation during the occupancy of the building.

Remediation Equipment Location

The Planning Division requested that the applicant expand on the analysis of the location for the placement of the remediation equipment and vent pipes for the remediation process. According to the site plan (Exhibit F), the location for the remediation equipment has been established. The location of the thermal oxidizer along with the vent pipes will be placed on the south east corner of the site within an approximately 288 square foot enclosure. The remediation equipment enclosure will be screened by 6 foot high decorative split face block walls and landscaping to minimize visual impact issues from public rights-of-way of the remediation equipment.

Conformance with the General Plan

The commercial (bank) building will have a total of 6-10 employees. The proposed financial bank use will provide new employment opportunities which will accommodate a wide range of occupational skills and salary levels located convenient to surrounding commercial uses and areas of most need. The request will accommodate the redevelopment of an existing site with a financial (bank) building that will serve the needs of local residents and visitors to the City by providing additional commercial serving opportunities.

OTHER ITEMS:

Legal Notification

The legal notice of this hearing was posted at the City Hall, Monterey Park Bruggemeyer Library, and Langley Center on **November 26, 2014**, with affidavits of posting on file. The legal notice of this hearing was mailed to property owners within a 300 feet radius and current tenants of the property concerned on **November 26, 2014**.

Environmental Assessment

This project was determined to be a Class 3 (New Construction or Conversion of Small Structures) Categorical Exemption pursuant to CEQA Guidelines § 15303 (c) and Class 32 (In-fill Development Projects) Categorical Exemption pursuant to CEQA Guidelines § 15332.

ALTERNATIVE COMMISSION CONSIDERATIONS:

None recommended.

FISCAL IMPACT:

Replacing the existing use with the proposed use is likely to result in a change to sales tax revenue for the City. However, the precise impact of such change is speculative.

Respectfully submitted,

Michael A. Huntley
Community and Economic
Development Director

Prepared by:

Harald Luna
Assistant Planner

Reviewed by:



Karl H. Berger
Assistant City Attorney

Attachments:

- Exhibit A: Planning Commission Staff Report, dated January 13, 2015
- Exhibit B: Draft Resolution
- Exhibit C: Copy of letter for the UST Removal and Remediation Process dated January 19, 2015 prepared by Leymaster Environmental Consulting, LLC
- Exhibit D: Copy of letter for Building Occupancy during Remediation for Chevron Service Station No. 9-1629 dated January 19, 2015 prepared by Leymaster Environmental Consulting, LLC
- Exhibit E: Copy of letter from Wells Fargo Bank dated January 21, 2015.
- Exhibit F: Site, floor, and elevation plans

EXHIBIT A

Planning Commission Staff Report, dated January 13, 2015



Planning Commission Staff Report

DATE: January 13, 2015

AGENDA ITEM NO: 1-A

TO: The Planning Commission
FROM: Michael A. Huntley, Community and Economic Development Director
SUBJECT: A Public Hearing to consider a Conditional Use Permit (CUP-14-02) to allow a financial use (bank) in conjunction with the construction of a new 3,800 square foot commercial building – 780 West Garvey Avenue.

RECOMMENDATION:

It is recommended that the Planning Commission consider:

- (1) Opening the public hearing;
- (2) Receiving documentary and testimonial evidence;
- (3) Closing the public hearing;
- (4) Adopting the Resolution approving the requested Conditional Use Permit (CUP-14-02) subject to conditions of approval contained therein; and
- (5) Take such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

The applicant, Tim Saivar, is requesting approval of a Conditional Use Permit to allow a financial use (bank) in conjunction with the construction of a new one-story, 3,800 square foot commercial building at 780 West Garvey Avenue. The subject property is located at the southeast corner of West Garvey Avenue and North Atlantic Boulevard. The property is zoned R-S, (P-D) (Regional Specialty Center, Planned Development) zone and is designated C (Commercial) in the General Plan.

This item was canceled from the Planning Commission meetings of December 9th and December 23rd, 2014 to allow staff additional time to conduct further research for the project.

PROPERTY DESCRIPTION:

The subject property is 20,565 square feet (0.47 acre) in size and is surrounded by commercially zoned lots to the north, east, south and west. The subject site is currently developed with a gasoline service station comprised of a 1,101 square foot one-story convenience mart with an attached auto service bay area and two canopies with 8 fueling pumps. The property is accessible from four driveways, including two driveways on Atlantic Boulevard and two driveways on Garvey Avenue. The building is currently

placed towards the center of the property with parking and related landscaping in the rear. The applicant is proposing to demolish all the structures on the lot and abandoning two driveways closest to the intersection and relocating one driveway on Atlantic Boulevard.

PROJECT DESCRIPTION:

The proposed improvements will include the construction of a single-tenant, one-story, 3,800 square foot financial bank building on the northwest portion of the property with its related parking towards the south and east of the property and required landscaping.

The proposed floor plan includes an electrical room, a men's and women's restroom located on the southern most area of the building, and an ATM room located towards the northeast area of the building. There will be two walk-up ATM machines located on the east elevation. The primary access to the building will be from a set of double doors located on the northwest corner of the building. A secondary set of doors will be provided on the east elevation towards the southeast corner of the building.

According to the R-S zone, lots more than 20,000 square feet and less than 30,000 square feet are permitted a maximum floor area ratio of 65 percent of the lot area. In this case, the maximum permitted is 13,338 square feet, which is greater than the proposed 3,800 square foot financial bank building. The maximum building height permitted in the R-S zone is 50 feet or 4 stories and the proposed building is one-story with a total height of 25 feet.

Based on an environmental report prepared by Leymaster Environment Consulting, LLC, the project site has been in use as a gasoline station since 1949 and is currently occupied by a Valero service station. The Baseline Site Assessment indicates that the underground soils have gasoline contamination from the underground storage tanks. According to the report the Regional Water Quality Control Board, Los Angeles Region (RWQCB) is the lead agency for the oversight of the cleanup to the site and Chevron is the responsible party for the cleanup of the site, which include the removing of all the underground storage tanks (USTs) and piping from the site. According to the Leymaster Environmental Report the remediation of the soils for removing gasoline contamination from subsurface soils would be to install a soil vapor extraction (SVE) system that would consist of a number of vapor-extraction wells. A condition of approval has been included for the remediation of the soils within the subject property.

Parking

The required number of off-street parking spaces is based on the square footage of the building's floor area and the proposed use. According to MPMC § 21.22.120, a bank/financial institution (retail) use requires 5 parking spaces per 1,000 square feet. The proposed financial bank building requires a total of 19 off-street parking spaces, and the applicant is providing a total of 34 parking spaces which exceeds the off-street parking requirement. Access to the site will be provided via a new 26-foot wide two-way

drive approach located on Atlantic Boulevard and an existing 38 foot wide two way drive approach locate on Garvey Avenue.

Traffic Study

A traffic impact analysis was prepared by Kunzman Associates, Inc. as required per the Public Works Department for the proposed development of the 3,800 square foot commercial building. The Traffic Study analyzed the intersections and on-site and off-site circulation. According to the Findings and Recommendations included in Chapter 1 of the Traffic Study, the project is not anticipated to have significant impacts at any of the intersections located within the study areas including Atlantic Boulevard and Garvey Avenue. According to the Traffic Analysis the proposed bank is projected to generate approximately 563 daily vehicle trips, 47 trips during the morning peak hour and 98 trips during the evening peak hour. The existing gasoline service station with convenience market currently generates approximately 1,302 daily vehicle trips, 82 trips during the morning peak hour and 108 trips during the evening peak hour. The net trip generation is projected to be approximately 739 fewer daily vehicle trips, 35 fewer trips during the morning peak hour and 10 fewer trips during the evening peak hour. The study area intersections are projected to operate at acceptable levels of service during the peak hours for Existing Plus Project, Existing Plus Ambient Growth and Existing Plus Ambient Growth Plus Project traffic conditions. With regards to on-site and off-site circulation, the parking lot will provide adequate turning radii and clearance for emergency vehicle access. Also, the project will provide ingress and egress via two access driveways, including a driveway on West Garvey Avenue and South Atlantic Boulevard. The two access driveways on West Garvey Avenue and South Atlantic Boulevard will be restricted to right-in and right-out only. Based on the traffic impact analysis findings, which has been reviewed by the Public Works Department, the proposed project will not result in a significant impact as defined by the City of Monterey Park at any study area intersections. Therefore, no mitigation is required.

Pursuant to the conclusions in Chapter 9 of the Traffic Study, the recommended roadway improvements are as follows: On-site and existing driveway closures at the site will be required in conjunction with the proposed development to ensure adequate circulation within the project itself. Sight distance at the project accesses must comply with the standard California Department of Transportation and MPMC sight distance standards. The final grading, landscaping, and street improvement plans shall demonstrate that the sight distance standards are met. Such plans must be reviewed by the City and approved as consistent with this measure before it issues grading permits. On site traffic signing and striping should be implemented in conjunction with detailed construction plans for the project. As is the case for any roadway design, the City should periodically review traffic operations in the vicinity of the project once the project is constructed to assure that the traffic operations are satisfactory.

Landscaping

West Garvey Avenue

Along West Garvey Avenue, the building will be setback 9 feet 9 inches from the north property line to provide a 15 feet wide pedestrian area on West Garvey Avenue, per MPMC § 21.14.090. The pedestrian area includes private and public property (i.e., parkway, sidewalk, and landscaped areas). The purpose of the pedestrian area is to create a pedestrian-friendly environment by providing amenities like landscaping, street furniture, and signage. Within the 9 feet 9 inch setback area there will be a 6 foot 10 inch wide landscape planter that will be planted with a combination of shrubs and groundcover.

South Atlantic Boulevard

At South Atlantic Boulevard, the building will be setback 3 feet from the west property line after a 4 foot wide dedication to provide a 12 foot pedestrian area on South Atlantic Boulevard. The pedestrian area after the dedication will include public property (i.e., sidewalk, and landscape areas).

The parking spaces provided at the south portion of the lot will be setback approximately from 3 feet 10 inches to 7 feet 6 inches from the west property line and approximately 17 feet from South Atlantic Boulevard. The parking spaces provided on the north portion of the lot will be setback approximately from 17 feet 8 inches to 32 feet 8 inches and approximately 24 feet from West Garvey. A condition of approval has been included to provide a 3 foot high natural hedge to shield the parking areas adjacent to the public right-of-ways, subject to the review and approval of the Planner.

Throughout Parking Area

According to the landscape plan, the main proposed landscape area is located along four boundaries of the lot, and distributed in the surface parking area. According to MPMC § 21.22.270, a parking lot area with more than five spaces requires at least 10 percent of the parking area to be landscaped, so the minimum landscape area for this lot is 1,177 square feet and 2,705 square feet will be provided. The proposed landscape area within 10 feet perimeter of the parking area will be 1,922 square feet in size, which is more than 60 percent of the total landscape area. The proposed landscape area outside of the 10 foot perimeter of the parking area will be 783 square feet, which is 66 percent of the parking area. According to MPMC § 21.22.270, more than 60 percent of the total landscape area should be located within 10 feet perimeter of the parking area. Clearly portrayed location, coverage and specifications of the permanent automatic irrigation system must be included in the plan according to MPMC § 21.22.270.

Planned Development Overlay

The P-D Overlay District is intended to provide design flexibility in achieving the purpose and intent of other base zoning districts with which it is combined per MPMC § 21.14.020. Application of the P-D Overlay District is intended to assist in achieving

consistency with the policy and intent of the General Plan by allowing flexibility in site design where superior quality attainment can be enhanced by such flexibility.

The proposed project is appropriate for the subject property because the project fulfills the objectives of the General Plan and is designed according to the regulations required by the P-D Overlay Zone. The project site is .47 of an acre and is adequate in size for the proposed project. The project will have a modern building designed and the building will be articulated and setback so it will not overwhelm adjacent properties. Additionally, the project must provide an off-site improvement, including a 4 foot wide dedication on South Atlantic Boulevard.

The building will be compatible with developments in the general area. The project is designed according to the standards required by the P-D Overlay Zone. The proposed building will be 25 feet tall, which is less than the maximum height permitted in the P-D Overlay Zone. According to MPMC § 21.14.090(B), the building height cannot exceed 40 feet within 20 feet of the pedestrian realm along Garvey Avenue and Atlantic Boulevard. The building mass will be articulated with architectural elements, such as awnings, wall off-sets, and recessed windows and entries.

The proposed building and its use comply with the General Plan. The subject property is designated Mixed-Use I (MU-I) in the General Plan. One of the goals of the General Plan (Goal 3.0) is to establish the North Atlantic area as a focal point for diverse retail, entertainment, and hospitality development. The proposed project will be a retail development use.

OTHER ITEMS:

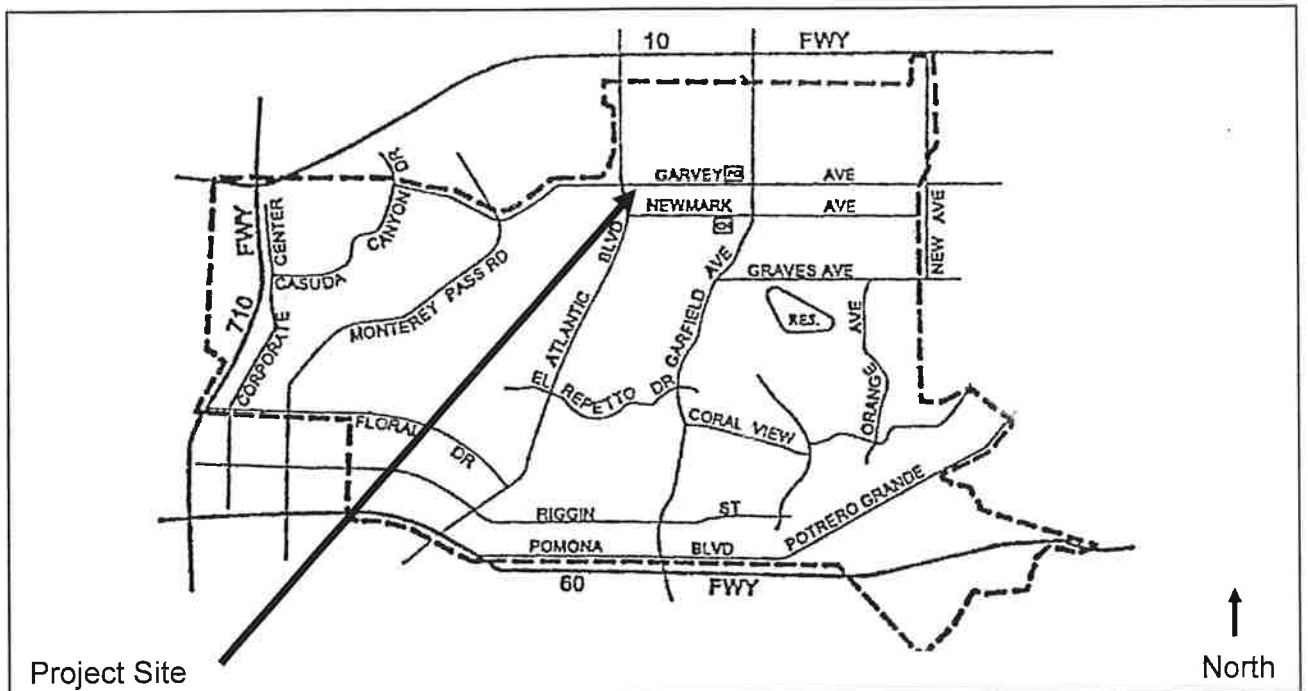
Legal Notification

The legal notice of this hearing was posted at the City Hall, Monterey Park Bruggemeyer Library, and Langley Center on **November 26, 2014**, with affidavits of posting on file. The legal notice of this hearing was mailed to property owners within a 300 foot radius and current tenants of the property concerned on **November 26, 2014**.

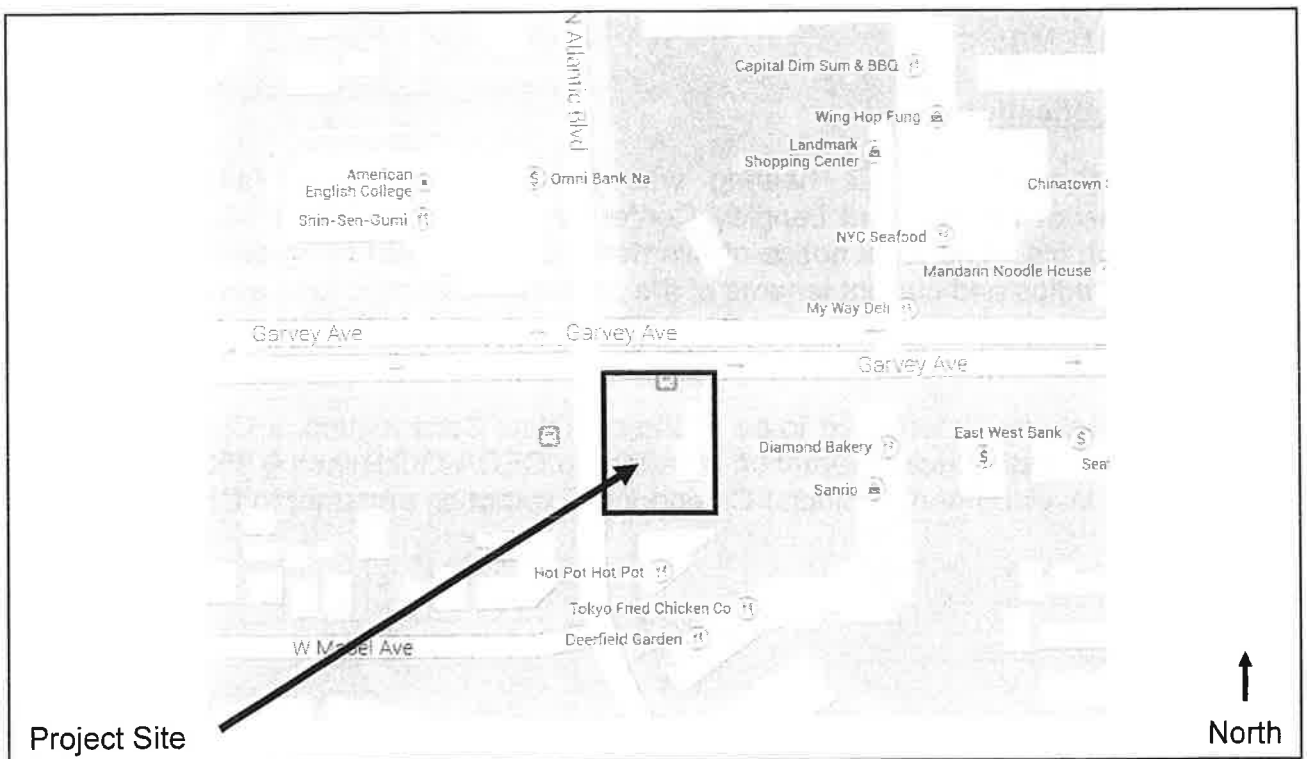
Environmental Assessment

This project was determined to be a Class 3 (New Construction or Conversion of Small Structures) Categorical Exemption pursuant to CEQA Guidelines § 15303 (c) and Class 32 (In-fill Development Projects) Categorical Exemption pursuant to CEQA Guidelines § 15332.

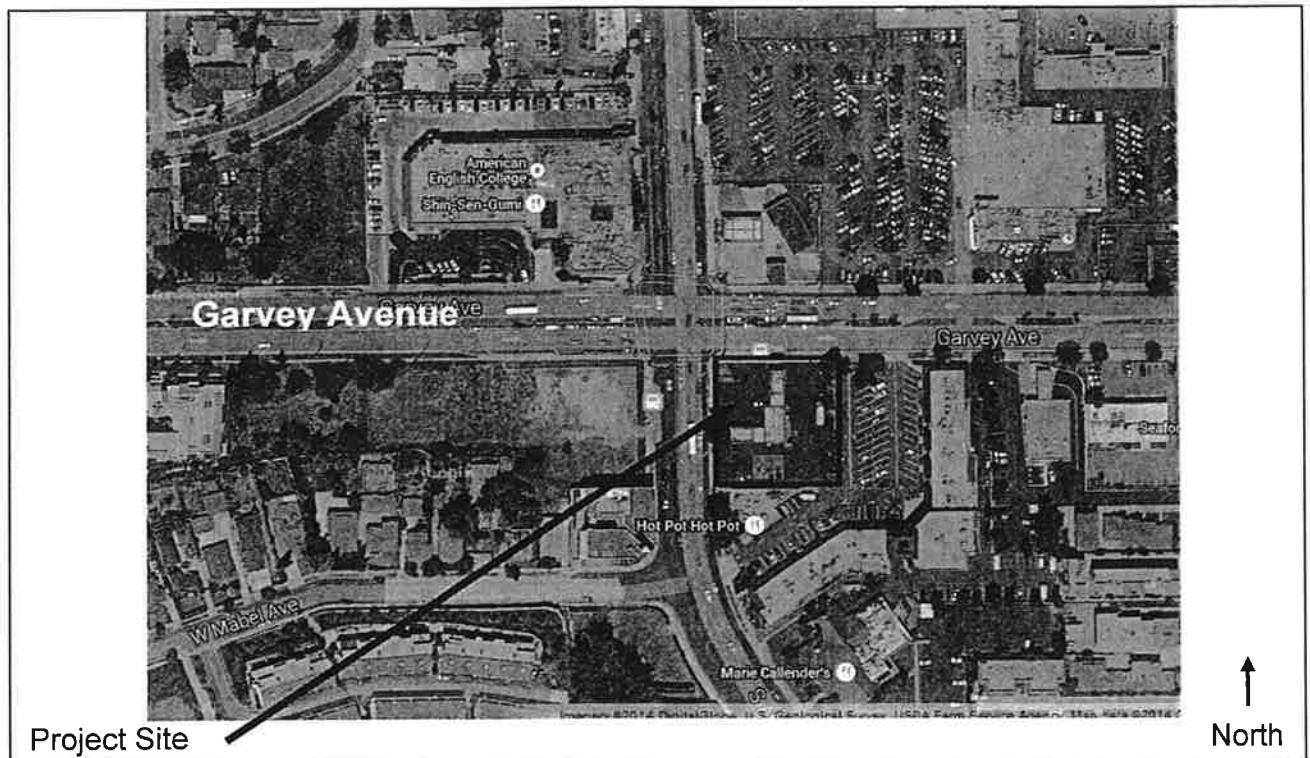
Vicinity Map



Street Map



Aerial Map



ALTERNATIVE COMMISSION CONSIDERATIONS:

None.

FISCAL IMPACT:

No fiscal impacts.

Respectfully submitted,

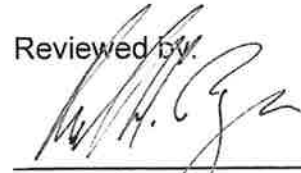

Michael A. Huntley
Community and Economic
Development Director

Prepared by:



Harald Luna
Assistant Planner

Reviewed by:



Karl H. Berger
Assistant City Attorney

Attachments:

Exhibit A: Draft Resolution
Exhibit B: Site and floor plans

EXHIBIT B

Draft Resolution

RESOLUTION NO.

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT (CU-14-02) TO ALLOW A FINANCIAL USE (BANK) IN CONJUNCTION WITH THE CONSTRUCTION OF A NEW 3,800 SQUARE FOOT COMMERCIAL BUILDING AT 780 WEST GARVEY AVENUE.

The Planning Commission of the City of Monterey Park does resolve as follows:

SECTION 1: The Planning Commission finds and declares that:

- A. On April 29, 2014, Tim Saivar, on behalf of the property owner, Dynamic Development Company, LLC, submitted an application pursuant to Monterey Park Municipal Code ("MPMC") §§ 21.10.230 and 21.30.020 requesting approval of Conditional Use Permit (CU-14-02) to permit a financial use (bank) in conjunction with the construction of a new 3,800 square foot commercial building at 780 West Garvey Avenue ("Project");
- B. The proposed Project was reviewed by the Community and Economic Development Department for, in part, consistency with the General Plan and conformity with the Monterey Park Municipal Code ("MPMC");
- C. In addition, the City reviewed the Project's environmental impacts under the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, "CEQA") and the regulations promulgated thereunder (14 California Code of Regulations §§ 15000, *et seq.*, the "CEQA Guidelines");
- D. The Community and Economic Development Department completed its review and scheduled a public hearing regarding the proposed Project, before the Planning Commission for January 13, 2015; notice of public hearing on such proposed Project was posted and mailed as required by the MPMC;
- E. On January 13, 2015, the application was continued to the meeting of January 27, 2015 to allow the applicant additional time to gather all the materials necessary to present to the Planning Commission;
- F. On January 27, 2015, the Planning Commission opened a public hearing to receive public testimony and other evidence regarding the proposed Project, including, without limitation, information provided to the Planning Commission by City staff and public testimony, and representatives of Dynamic Development Company, LLC; and
- G. This Resolution and its findings are made based upon the testimony and evidence presented to the Commission at its January 13, 2015 meeting and its January 27, 2015 hearing including, without limitation, the record

**PLANNING COMMISSION
RESOLUTION NO.
PAGE 2 OF 6**

from the January 13, 2015 meeting and the staff report submitted by the Community and Economic Development Department.

SECTION 2: *Factual Findings and Conclusions.* The Planning Commission finds that the following facts exist and makes the following conclusions:

- A. The Applicant seeks to establish a financial use (bank) in conjunction with the construction of a new single-story, 3,800 square foot commercial building;
- B. The site address is 780 West Garvey Avenue. It is zoned R-S, P-D (Regional Specialty Center, Planned Development) and designated Commercial (C) in the General Plan;
- C. The subject site is located on the south east corner of West Garvey Avenue and South Atlantic Boulevard. To the north, east, west and south of the subject property are commercial uses; and
- D. The subject site is 20,565 square feet (0.47 acres) in area and is currently developed with a one-story, gasoline service station comprised of a 1,101 square foot one-story convenience mart with an attached auto service bay area and two canopies with 8 fueling station pumps.

SECTION 3: *Environmental Assessment.* Because of the facts identified in Section 2 of this Resolution, the Project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines §§ 15303 (New Construction or Conversion of Small Structures) and 15332 (In-fill Development Projects). The Project would open a new financial (bank) facility in conjunction with the construction of a new single-story commercial building. The Project is not anticipated to have any significant impacts with regard to traffic, noise, air quality, or water quality. Moreover, the Project is proposed to be built on sites of not more than five acres surrounded by urban uses. Further, the sites have no value as habitat for endangered, rare, or threatened species. There are adequate utilities and public services to serve the project.

SECTION 4: *Conditional Use Permit Findings.* Pursuant to MPMC §§ 21.10.030 and 21.32.020, the Planning Commission finds as follows:

- A. That the site size is adequate in size, shape and topography for the proposed use.

The subject property is zoned R-S, P-D (Regional Specialty Center, Planned Development). The minimum required lot size is 30,000 square feet, the minimum required lot width is 200 feet, and the minimum required

**PLANNING COMMISSION
RESOLUTION NO.
PAGE 3 OF 6**

lot depth is 150 feet. The subject property is 20,565 square feet (.47 acre) in size. The lot width is 133.77 feet and the depth is 140.08 feet. The lot is square shaped and the property is currently developed with a one-story, gasoline service station comprised of a 1,101 square foot one-story convenience mart with an attached auto service bay area and two canopies with 8 fueling station pumps.

The proposed use complies with all requirements for the issuance of the conditional use permit. The proposed use is the construction of a new 3,800 square foot, single-story financial use (bank) building. The proposed financial use (bank) building is a walk-in facility and also includes a walk-up ATM. The proposed building will be 20 feet tall, and will have a parapet located at the North West portion of the building with a total height of 25 feet. On-site parking will include 34 at-grade parking. The site is accessible from Atlantic Boulevard and Garvey Avenue.

- B. That the site has sufficient access to streets and highways, adequate in width and pavement type to carry the quantity and quality of traffic generated by the proposed use.

The site is accessible from West Garvey Avenue, a minor arterial street and Atlantic Boulevard, a principal arterial street. Adequate parking is provided at the surface level on the property. The required number of parking spaces for a financial (bank) facility is 5 per 1,000 square feet according to MPMC § 21.22.120. The required number of parking spaces based on the square footage of the building for the proposed use is 19 spaces and 34 spaces are provided. The parking lot will be accessible from both Atlantic Boulevard and Garvey Avenue that is four-lane and six-lane road and are designed to carry moderate levels of traffic. The project will provide ingress and egress via two access driveways, including an existing driveway on West Garvey Avenue and a proposed driveway on South Atlantic Boulevard. The two access driveways on West Garvey Avenue and South Atlantic Boulevard will be restricted to right-in and right-out only. Based on the traffic impact analysis findings, which has been reviewed by the Public Works Department, the proposed project will not result in a significant impact.

- C. That the proposed use is consistent with the City's General Plan and conforms to all the requirements of the General Plan and zoning regulations.

The subject property is designated Commercial in the General Plan Land Use Element and the Commercial land use category permits retail and

**PLANNING COMMISSION
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PAGE 4 OF 6**

service commercial, and professional uses. The proposed financial use (bank) in conjunction with the construction of the 3,800 square foot commercial building is consistent with the General Plan in that the Commercial land use category provides opportunities for a broad range of retail and service commercial and professional office uses intended to meet the needs of the Monterey Park residents and businesses. Per MPMC § 21.10.030 the proposed Financial use (bank) facility is permitted in the R-S, P-D (Regional Specialty Center, Planned Development) Zone with Conditional Use Permit approval. The proposed commercial building is compatible with the uses of the surrounding area. The property is located in the North Atlantic Focus Area and one of the goals (Goal 3.0) of the Focus Area is to establish the North Atlantic area as a focal point for diverse retail, entertainment, and hospitality development. The proposed use will provide new employment opportunities which will accommodate a wide range of occupational skills and salary levels located convenient to surrounding commercial uses and areas of most need.

- D. That the proposed use will not have an adverse effect on the use, enjoyment or valuation of property in the neighborhood in which it is proposed.

The proposed use, as conditioned, will not have an adverse effect on the use, enjoyment or valuation of property in the neighborhood as required security measures will minimize the potential for any negative impacts.

- E. That the proposed use will not have an adverse effect on the public health, safety and general welfare.

The proposed financial (bank) facility will not have an adverse effect on the public health, safety and general welfare because it will provide an additional financial institution for the public within a new single-story, 3,800 square foot commercial building. Furthermore, security measures and the limited size of the use will limit any potential adverse effects to neighboring properties.

SECTION 5: Approval. Subject to the conditions listed on the attached Exhibit "A," which are incorporated into this Resolution by reference, the Planning Commission approves Conditional Use Permit (CU-14-02).

SECTION 6: Reliance on Record. Each and every one of the findings and determinations in this Resolution are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the project. The findings and determinations constitute the independent findings and determinations of the

**PLANNING COMMISSION
RESOLUTION NO.
PAGE 5 OF 6**

Planning Commission in all respects and are fully and completely supported by substantial evidence in the record as a whole.

SECTION 7: *Limitations.* The Planning Commission's analysis and evaluation of the project is based on the best information currently available. It is inevitable that in evaluating a project that absolute and perfect knowledge of all possible aspects of the project will not exist. One of the major limitations on analysis of the project is the Planning Commission's lack of knowledge of future events. In all instances, best efforts have been made to form accurate assumptions. Somewhat related to this are the limitations on the City's ability to solve what are in effect regional, state, and national problems and issues. The City must work within the political framework within which it exists and with the limitations inherent in that framework.

SECTION 8: *Summaries of Information.* All summaries of information in the findings, which precede this section, are based on the substantial evidence in the record. The absence of any particular fact from any such summary is not an indication that a particular finding is not based in part on that fact.

SECTION 9: This Resolution will remain effective until superseded by a subsequent resolution.

SECTION 10: A copy of this Resolution will be mailed to Tim Saivar, on behalf of, Dynamic Development Company, LLC and to any other person requesting a copy.

SECTION 11: This Resolution may be appealed within nineteen (19) calendar days after its adoption. All appeals must be in writing and filed with the City Clerk within this time period. Failure to file a timely written appeal will constitute a waiver of any right of appeal.

SECTION 12: Except as provided in Section 9, this Resolution is the Planning Commission's final decision and will become effective immediately upon adoption.

ADOPTED AND APPROVED this 27th day of January 2015.

Larry Sullivan, Chairperson

I hereby certify that the foregoing Resolution was duly adopted by the Planning Commission of the City of Monterey Park at the regular meeting held on the 27th day of January 2015, by the following vote of the Planning Commission:

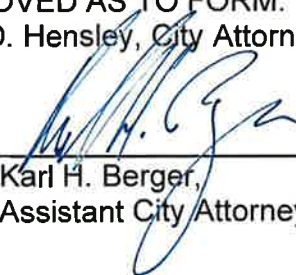
**PLANNING COMMISSION
RESOLUTION NO.
PAGE 6 OF 6**

AYES:
NOES:
ABSTAIN:
ABSENT:

Michael A. Huntley, Secretary

APPROVED AS TO FORM:
Mark D. Hensley, City Attorney

By:



Karl H. Berger,
Assistant City Attorney

PLANNING COMMISSION RESOLUTION NO.

Exhibit B

CONDITIONS OF APPROVAL

780 WEST GARVEY AVENUE

In addition to all applicable provisions of the Monterey Park Municipal Code ("MPMC"), Dynamic Development Company, LLC agrees that he will comply with the following provisions as conditions for the City of Monterey Park's approval of Conditional Use Permit (CU-14-02) ("Project Conditions").

PLANNING:

1. Dynamic Development Company, LLC (the "Applicant"), agrees to indemnify and hold the City harmless from and against any claim, action, damages, costs (including, without limitation, attorney's fees), injuries, or liability, arising from the City's approval of CU-14-02 except for such loss or damage arising from the City's sole negligence or willful misconduct. Should the City be named in any suit, or should any claim be brought against it by suit or otherwise, whether the same be groundless or not, arising out of the City approval of CU-14-02, the Applicant agrees to defend the City (at the City's request and with counsel satisfactory to the City) and will indemnify the City for any judgment rendered against it or any sums paid out in settlement or otherwise. For purposes of this section "the City" includes the City of Monterey Park's elected officials, appointed officials, officers, and employees.
2. This approval is for the project as shown on the plans reviewed and approved by the Planning Commission and on file. Before the City issues a building permit, the Applicant must submit plans, showing that the project substantially complies with the plans and conditions of approval on file with the Planning Division. Any subsequent modification must be referred to the Director of Community and Economic Development for a determination regarding the need for Planning Commission review and approval of the proposed modification.
3. The conditional use permit expires twelve months after its approval if the use has not commenced or if improvements are required, but construction has not commenced under a valid building permit. A single one year extension may be granted by the Planning Commission upon finding of good cause. An application requesting an extension must be filed with the Community and Economic Development Department.
4. All conditions of approval must be listed on the plans submitted for plan check and on the plans for which a building permit is issued.

**PLANNING COMMISSION
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5. The commercial building, landscaping and signage is subject to Design Review Board review and approval before submitting for plan check to the Building and Safety Division.
6. Before building permits are issued, the applicant must obtain all the necessary approvals, licenses and permits and pay all the appropriate fees as required by the City.
7. The real property subject to CU-14-02 must remain well-maintained and free of graffiti; any graffiti must be removed within 24 hours of discovery.
8. Building permits are required for any interior tenant improvements.
9. Landscaping/irrigation must be maintained in good condition at all times.
10. Construction or demolition work may only be conducted between the hours of seven a.m. and seven p.m. on weekdays and the hours of nine a.m. and six p.m. on Saturdays, Sundays and holidays per MPMC § 9.53.070(6).
11. All construction equipment, fixed or mobile, must be equipped with properly operating and maintained mufflers.
12. Stationary equipment must be placed such that emitted noise is directed away from neighboring residential receivers.
13. The property owner/applicant is responsible for the proper removal of all the underground storage tanks and piping.
14. The property owner/applicant must comply with all the mitigation measures for the soils remediation as identified by the Los Angeles County Regional Water Quality Control Board, Los Angeles Region (RWQCB) case number I-09093A.
15. The property owner/applicant must submit to the Planning Division all certifications and approvals indicating that all remediation measures have been completed and closed for the cleanup of the soils contamination identified by the Regional Water Quality Control Board, Los Angeles Region (RWQCB) case number I-09093A. The certifications and approvals must be completed and submitted to the Community and Economic Development Director. The Director may, but is not required to, issue a temporary or final certificate of occupancy before such certifications and approvals are submitted.
16. At the time of plan check the property owner/applicant must submit a site plan that shows the locations of all the soils remediation mechanical equipment. The mechanical equipment for the vapor extraction wells must be screened from public view. The screening material must be designed to be architectural consistent with the design of the commercial building, subject to the review and approval of the Planner.

**PLANNING COMMISSION
RESOLUTION NO.**

17. At the time of plan check the property owner/applicant must submit a demolition plan for the removal all the remediation equipment and enclosure upon completion of the soils remediation. The plan must illustrate how the location will designed with the appropriate landscaping that meets the zoning code landscape requirements, subject to the review and approval of the Planner.
18. Before the City issues a demolition permit, the existing on-site structures must be surveyed for the presence of asbestos containing materials (ACM) by a contractor registered with Asbestos Contractors' Registration Unit, as required by California law. Should ACM be detected, appropriate abatement measures pursuant to South Coast Air Quality Management District Rule 1403 must commence by a registered contractor at the expense of the developer. Documentation certifying that ACM have been removed to satisfactory levels as required by California law must be delivered to the City Building Division before the City issues demolition permits for existing structures on-site. The applicant must bear the cost of implementing this mitigation.
19. Before the City issues demolition permits, the existing on-site structures must be surveyed for the presence of lead. If lead existing in levels determined to be hazardous, such materials must be removed by an abatement contractor before the City issues demolition permits for existing buildings. Demolition debris and waste categorized as hazardous waste must be handled, transported, and disposed of in accordance with applicable law to ensure that potential impacts to health and the environment are minimized. Specifically, employees who perform trigger tasks, such as manual demolition, are required to receive employer provided training, air monitoring, protective clothing, respirators, and hand washing facilities. Standard work practices required by 17 Cal. Code of Regulations §§ 35001, *et seq.*, also include the use of wet methods and HEPA vacuums. Documentation verifying appropriate disposal of hazardous wastes must be provided to the City Building Division before the City issues demolition permits. The developer must bear the cost of implementing this mitigation.
20. During excavation and grading activities, construction contractors must equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturer's standards.
21. Construction contractors must place all stationary construction equipment in a central site location, where possible, so as to maximize the distance from nearby receptors.
22. Construction contractors must locate equipment and materials staging in areas that will create the greatest distance between equipment and materials staging and nearby receptors.

**PLANNING COMMISSION
RESOLUTION NO.**

BUILDING:

23. The second sheet of the building plans must list all City of Monterey Park conditions of approval.
24. A valid building permit does not allow excavations to encroach into adjacent property. Requirements for protection of adjacent property are set forth in Civil Code § 832.
25. The site plan must indicate the proposed path of building sewer, size of sewer line, location of cleanouts, and the invert elevation of the lateral at the property line.
26. A soils and geology report is required as part of plan check submittal.
27. Before the City issues a building permit, the applicant must obtain a permit from CAL-OSHA to construct the project.
28. The applicant must submit a compaction report for demolition of previous buildings to the Monterey Park Public Works Department for approval before the City allows the applicant to excavate new foundations.
29. The conditioned space of the building must conform to the current edition of Energy Efficiency Standards by California Energy Commission.
30. The project must comply with Accessibility requirements, per the current California Building Code, as adopted by the MPMC.
31. The project must comply with Green building requirements, per the current California Green Building Standards Codes, as adopted by the MPMC.

ENGINEERING:

32. Under the Los Angeles County Municipal "National Pollutant Discharge Elimination System (NPDES) Permit," which the City of Monterey Park is a permittee; this project involves the distribution of soils by grading, clearing and/or excavation. The applicant/property owner is required to obtain a "General Construction Activity Storm Water" Permit, and the City of Monterey Park will condition the issuance of the grading permit on evidence of compliance with this permit and its requirements. Compliance information is available in the office of the City Engineer. Upon approval of the NPDES document by the City, the applicant/property owner must submit an electronic copy of the approved NPDES file, including site drawings, prior to the issuance of a building or grading permit.
33. The applicant/owner is responsible for ascertaining and paying all City development fees required by MPMC. All fees must be paid before the City issues a final certificate of occupancy. This condition also serves as notice

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pursuant to Government Code § 66020(d) that the City of Monterey Park is imposing impact fees ("DIFs") upon the project in accordance with the Mitigation Fee Act (Government Code § 66000, *et seq.*) and the MPMC. The applicant is informed that it may protest DIFs in accordance with Government Code § 66020.

34. All improvement plans, including grading and public improvement plans must be based upon City approved criteria. Benchmark references must be obtained from the Engineering Division.
35. Before the City issues a building permit, the applicant must submit a water plan for review and approval by the Public Works Director, or designee. This plan must substantiate adequate water service for domestic flow, fire flow and identify backflow prevention. If current fire flow and pressure tests are not available to substantiate adequate pressure and flow to serve the development, the developer will be responsible for conducting the appropriate tests and submitting copies of the test results for review and ultimate approval by the City.
36. Water Division requirements are to be determined upon completion and submittal of a water meter sizing sheet by the applicant. This may include up sizing of water meter and water services. All upgrading costs are the responsibility of the property owner and must be completed before approval of grading and drainage plans.
37. The applicant must provide survey monuments denoting the new property boundaries and lot lines to the satisfaction of the Public Works Director, or designee. All maps must be prepared from a field survey. Compiled maps are not permitted unless approval is granted by the Public Works Director, or designee. Whenever possible, lot lines must be located to coincide with the top of all man-made slopes. Any deviation from this requirement must be approved by the Public Works Director, or designee.
38. The applicant must provide a site drainage plan for review and approval by the Public Works Director, or designee. The property drainage must be designed so that the property drains to the public street or in a manner otherwise acceptable to the Public Works Director, or designee. A hydrology and hydraulic study of the site may be required for submittal to the Public Works Director, or designee, for review and approval.
39. All storm drainage facilities serving the development must accommodate a 50 year storm. If existing storm drain facilities are inadequate they must be enlarged as necessary. All storm drain facilities must be designed and constructed to Los Angeles County Department of Public Works standards and specifications. The Public Works Director, or designee, must approve all plans for such design and construction before the Public Works Director, or designee, approves grading and drainage plans.

**PLANNING COMMISSION
RESOLUTION NO.**

40. Any damage done to existing street improvements and utilities during construction must be repaired before the City issues a certificate of occupancy. Pre-existing damaged, deteriorated, substandard or off grade curb, gutter driveways and sidewalk must also be repaired or replaced to the satisfaction of the Public Works Director, or designee. All existing driveways, if not to be used, must be removed and replaced with curb and sidewalk. The sidewalk must be full parkway width.
41. All public works improvements must comply with the standards and specifications of the City and to the satisfaction of the Public Works Director, or designee.
42. All electrical, telephone and cable TV utility services must be installed fully underground and to the required City standards. Satisfactory provisions for all utilities and service connections, including water, sewer and gas, must be made to City and public utility standards. A utility plan must be prepared and submitted prior to approval of the grading and drainage plans, showing all existing and proposed utilities. The utilities may be shown on either a separate plan or on the proposed site plan.
43. A sewer connection reconstruction fee will be assessed at the time the City issues a building permit in accordance with the MPMC Chapter 14.06.
44. The applicant must provide an irrevocable off of dedication for 4 feet of real property along Atlantic Boulevard frontage for street and public utility purposes per City Ordinance No. 1946 and MPMC Chapter 14.16.
45. The applicant must construct an ADA compliant wheelchair ramp in the curb return at the street intersection.
46. All buildings must have roof gutters and all roof drainage must be conducted to the public street or an approved drainage facility in a manner approved by the Public Works Director, or designee, before approval of the grading and drainage plans.
47. The grading and drainage plan must be submitted by the first plan check and must incorporate all pertinent site development comments from the City's geological and geotechnical consultants. The plan must also include the approved geological and geotechnical report submitted by the developers consultant. The removals of any onsite pesticide contaminated soil must be included as part of the grading and drainage plan for the site.
48. Parkways must be irrigated and landscaped per plans submitted for review and approval by the Public Works Director, or designee, before first plan check. The need for preserving existing street trees and/or providing additional street trees must be reviewed and approved by the Recreation and Community Services Director, or designee.

**PLANNING COMMISSION
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- 49. The new off-site driveway approach on Atlantic Boulevard must align true and square with the on-site driveway.
- 50. One-way traffic must have a minimum of 12 feet in width. Two-way traffic must have a minimum of 26 feet in width.
- 51. Existing curb markings and street signage fronting the project must be identified on project plans.
- 52. Vehicles exiting the west drive along Atlantic Boulevard are limited to right turn movements only. The Applicant must install a "Right Turn Only" signage and pavement markings at exit.

FIRE:

- 53. The applicant must submit plans to the Fire Chief, or designee, for approval before the City issues a building permit.
- 54. The Applicant must provide CBC occupancy classifications for all separate and distinct uses of the structure on the site plan.
- 55. Temporary signs must be installed at each street intersection when construction of a new roadway allows passage by vehicles. Signs must be of an approved size weather resistant and be maintained until replaced by permanent signs per California Fire Code ("CFC") § 505.2, as adopted by the MPMC.
- 56. The project must provide portable fire extinguishers as required by CFC § 906, as adopted by the MPMC.
- 57. The required fire flow from fire hydrants at this location is based on the type of construction and occupancy classification per CFC Table B105. Plan submittal must include fire flow test data to be obtained within one year of the submittal date per CFC § 507.3, Table B105, as adopted by the MPMC.
- 58. The applicant must show all existing public fire hydrants within 300 feet of the lot frontage on both sides of the street. The applicant must specify the size of the fire hydrant(s) and dimensions to the property lines. Additional fire hydrants requirements may be necessary after this information is provided per CFC C105.2.2, C106.
- 59. All fire hydrants must measure 6 inches by 4 inches by 2 ½ inches, brass or bronze, conforming to American Water Works Association Standard C503, or approved equal per CFC § 507.5, as adopted by the MPMC.
- 60. All required Public fire hydrants must be installed, tested and accepted before beginning construction per CFC § 501.4, as adopted by the MPMC.

**PLANNING COMMISSION
RESOLUTION NO.**

61. The Applicant must provide occupant load calculation and exit width analysis for all portions of the building in accordance with CBC §§ 1004, 1005 table 1004.1.1 and 1005.1, as adopted by the MPMC.
62. The building must have an approved address number and must be placed on the front elevation of all new or buildings in such a position that is plainly visible and legible from the street or road on which the property is addressed. Address cannot be located where it has the potential of being obstructed by signs, awnings, vegetation or other building/site elements. Numbers must contrast with their background, be Arabic numerals or modern latin alphabet letters and a minimum of 4 inches high with a minimum stroke width of 0.5 inch per CFC § 505.1 and CBC § 501.2, both as adopted by the MPMC.

POLICE:

63. The business must have security video cameras operating during all hours that the business is open. All cameras must record onto a digital video recorder or similar recording device. The recordings of the security video cameras must be maintained for a minimum period of 30 days, and the recordings must be made immediately available for any law enforcement officer who is making the request as a result of official law enforcement business. The video cameras must cover the following areas: All areas of cashier/teller windows, where cash is stored and parking lot areas.
64. If the Chief of Police determines that there is a need to have additional security cameras installed, the manager/owner of the business must comply with the request within 7 days. The Chief of Police can also require the position of the video cameras to be changed if it is determined that the position of the camera does not meet security needs. The picture quality of the video cameras and recording devices installed on the complex must meet the approval of the Chief of Police.
65. The business must be equipped with a hold up alarm system that covers robberies. Employees must have access to panic button(s) that will notify an alarm monitoring company of a robbery or other emergency at that location. The business manager/owner will obtain an alarm permit from the Monterey Park Police Department. The permit may be obtained by calling the Monterey Park Police Community Relations Bureau at (626) 307-1215.
66. The manager/owner is responsible for maintaining the property free of litter and graffiti.
67. The shrubbery on the property must be installed and maintained in such a condition as to not restrict visibility from the street or easily conceal persons.

**PLANNING COMMISSION
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68. There must be a minimum of one armed/unarmed uniformed security personnel on-duty to patrol the parking lot areas. The guard must be on-duty one hour prior, during all hours the business is open and one hour after the business closes as a means of preventing crime. If the Police Chief determines, through evaluation of incidents or calls for service, that the performance of the guard(s) or guard company is inadequate to address the safety concerns of the community and the public, the Police Chief's revised requirements must be met within 7 calendar days of written notice.
69. The business must participate in the Monterey Park Police Department's Business Watch Program; a free service designed to educate businesses about minimizing criminal activity.

By signing this document, Tim Saivar, on behalf of, Dynamic Development Company, LLC, certifies that the Applicant read, understood, and agrees to the Project Conditions listed in this document.

Tim Saivar, Dynamic Development Company, LLC, Applicant

EXHIBIT C

Copy of letter for the UST Removal and Remediation Process dated January 19, 2015
prepared by Leymaster Environmental Consulting, LLC

LEYMASTER ENVIRONMENTAL CONSULTING, LLC

RECEIVED

JAN 20 2015

CITY OF MONTEREY PARK
COMMUNITY DEVELOPMENT DEPT.

January 19, 2015

Ms. Kelly Harrison
Dynamic Development Company, LLC
1725 21st Street
Santa Monica, CA 90404

**Re: UST Removal and Remediation Process
Chevron Service Station No. 9-1629
780 West Garvey Avenue, Monterey Park, CA**

Dear Ms. Harrison:

The process for the removal of the underground storage tanks (USTs) and the potential remediation usually goes as follows:

1. A permit to remove the USTs will be issued by the Los Angeles Department of Public Works (DPW).
2. The USTs will usually be removed within a few weeks. Soil samples will be collected and analyzed as outlined in the DPW permit.
3. A report of the UST removal will be submitted to the DPW within two to six weeks.
4. The DPW will forward the UST removal report to the Los Angeles Regional Water Quality Control Board (RWQCB) due to the analytical data indicating that the site has been impacted by the use of the former USTs.
5. The RWQCB will likely issue a letter stating that a workplan is required for further investigation to define the extent of the contaminant plume. This may take up to two months for the letter to be issued.
6. The workplan should be submitted to the RWQCB within two months.
7. The RWQCB should approve the workplan within two months.
8. Further investigation will then be completed at the site to determine the vertical and lateral extent of the contamination. A report with results will be submitted to the RWQCB likely between one to three months. The report may indicate if further investigation is necessary, or if a remedial action plan to remediate the site is required, or if no further investigation is required.
9. The time line for remediation can vary significantly at this point depending upon many variables such as the contaminant extent, contaminant concentration, soil type, groundwater impact, etc.

Please let me know if you have any questions.

Sincerely,



Mark Leymaster, P.E.

5500 East Atherton Street, Suite 210 • Long Beach, California 90815

Phone: (562) 799-9866 • Fax: (562) 799-1963

www.levmaster.net

EXHIBIT D

Copy of letter for Building Occupancy during Remediation for Chevron Service Station
No. 9-1629 dated January 19, 2015 prepared by Leymaster Environmental Consulting,
LLC

LEYMASTER ENVIRONMENTAL CONSULTING, LLC

January 19, 2015

Ms. Kelly Harrison
Dynamic Development Company, LLC
1725 21st Street
Santa Monica, CA 90404

RECEIVED

JAN 20 2015

CITY OF MONTEREY PARK
COMMUNITY DEVELOPMENT DEPT.

**Re: Building Occupancy during Remediation
Chevron Service Station No. 9-1629
780 West Garvey Avenue, Monterey Park, CA**

Dear Ms. Harrison:

You requested that I respond to the City's concern regarding occupying a building during remediation. The concern with occupying either an existing or to be constructed building is if there is a potential vapor intrusion issue. Vapor intrusion normally involves impacted soil-vapors being released from soils contaminated with volatile organic compounds (VOCs). The soil-vapors can migrate through the sub-slab flooring and enter the breathing space of the building. Governmental environmental agencies such as the Los Angeles Regional Water Quality Control Board (RWQCB), the Department of Toxic Substances Control (DTSC), and the Los Angeles County Fire Department, Site Mitigation Unit (LACFD-SMU) are responsible for the sites they are overseeing to make sure that there is no health risk to the building occupants from soil contamination or from potential vapor intrusion. This site will be overseen by one of these three agencies and they will make sure there is not a human health risk present.

A vapor intrusion barrier will be installed beneath the new building which will mitigate any vapor intrusion issues. This is a common practice allowed by the governmental agencies to mitigate vapor intrusion.

Rarely do we have remediation on an undeveloped site or a site that is being demolished and rebuilt. The challenges are normally to work around an operating facility. Leymaster Environmental Consulting (LEC) currently has eight sites that have soil-vapor remediation systems in operation and we have remediated dozens of sites in the past while occupied. We also had on-going remediation at a former manufacturing facility that was demolished and redeveloped for residential use. I have attached as a case study a very similar site that was a former gasoline service station, had contamination, was developed for a bank, was occupied during the remediation, and eventually obtained closure.

Occupying the new facility during remediation will not be an issue with any governmental oversight agency. Please let me know if you have any questions.

Sincerely,



Mark Leymaster, P.E.

Attachment

EXHIBIT E

Copy of letter from Wells Fargo Bank dated January 21, 2015



Brooke Wolford
Vice President

Corporate Properties
MAC E2064-079
333 South Grand Avenue, Suite 700
Los Angeles, CA 90071
213 253-7063
213 620-0554 Fax
brooke.wolford@wellsfargo.com

RECEIVED

JAN 21 2015

CITY OF MONTEREY PARK
COMMUNITY DEVELOPMENT DEPT

Via Overnight Delivery (310) 315-5411

January 21, 2015

E. Kelly Harrison
Director of Development
Dynamic Design Build, Inc.
1725 21st Street
Santa Monica, CA 90404

Re: Wells Fargo New Store – SEC Atlantic Blvd & Garvey Ave, Monterey Park, CA

Dear Kelly,

Wells Fargo estimates that it will employ 6-10 employees to work in the new store at the future location referenced above.

Wells Fargo also acknowledges that there will be a soil vapor extraction remediation system in operation in accordance with all appropriate governmental regulations at the site during our occupancy of the premises.

Wells Fargo is looking forward to opening a new store in Monterey Park in order to serve the financial needs of the community.

Very truly yours,

A handwritten signature in blue ink that reads "Brooke Wolford".

Brooke Wolford



Planning Commission Staff Report

DATE: January 27, 2015

AGENDA ITEM NO: 1-B

TO: The Planning Commission
FROM: Michael A. Huntley, Community and Economic Development Director
SUBJECT: A Public Hearing requesting approval of a Precise Plan (PP-14-01) to construct a new 6-story, 180-room, "limited service" Double Tree hotel and a Conditional Use Permit (CUP-14-06) to allow the general on-sale license of alcohol and compact parking in conjunction with the construction of the new hotel – 220 North Atlantic Boulevard.

RECOMMENDATION:

It is recommended that the Planning Commission consider:

- (1) Reopening the continued public hearing;
- (2) Receiving documentary and testimonial evidence;
- (3) Closing the public hearing;
- (4) Adopting the attached Resolution approving Precise Plan (PP-14-01) and Conditional Use Permit (CUP-14-06), subject to conditions contained therein; and
- (5) Take such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

The applicant, Yung Kao, is requesting approval of a Precise Plan (PP-14-01) to construct a new 6-story, 180-room "limited service" Double Tree hotel and Conditional Use Permit (CUP-14-06) to allow the general on-sale of alcohol and compact parking in conjunction with the operation of the new hotel at 220 North Atlantic Boulevard.

The proposed hotel development along with the sale of alcohol and compact parking are in compliance with the requirements of the General Plan land use designation of Mixed-Use-I. The development, as conditioned, complies with all the minimum development standards including parking, building height and setbacks, floor area ratio and landscaping. The project will redevelop a site that is currently vacant with a new modern hotel development. The proposed hotel development will provide adequate separation and buffer for the adjacent residential properties to the east. Furthermore, the City prepared an Initial Study to determine what environmental impacts, if any, would be generated by the proposed project. Following the Initial Study, it was determined that although the proposed project could have a significant effect on the environment, there will not be significant effects in this case because revisions in the project have been made by or agreed to by the project proponent and a Mitigated

Negative Declaration was prepared. Based on the information provided, it is Staff's recommendation that the Planning Commission adopt the Mitigated Negative Declaration approving Precise Plan (PP-14-01) for constructing a new hotel development and Conditional Use Permit (CUP-14-06) for the general on-sale license of alcohol in conjunction with a bona fide public eating place and compact parking in conjunction with the new hotel at 220 North Atlantic Boulevard.

BACKGROUND

This application was brought before the Planning Commission on January 13, 2015. Due to the size and complexity of the project, its location along North Atlantic Boulevard and the length of the supporting documentation being presented to the Planning Commission, staff presented the staff report for the project and the conclusions of the environmental analysis at the meeting. The applicant and representatives from Hilton presented their proposal to the Commission. At that meeting, the Commission received the Initial Study and Mitigated Negative Declaration, and Mitigation and Monitoring Reporting Program that was prepared. The Commission did not express any concerns about the proposed project and continued the application to January 27, 2015 to allow the staff to gather all pertinent information for the project and finalize the findings of fact and conditions of approval to present to the Planning Commission.

Since the meeting staff has completed the analysis of the project and finalized the findings of fact and conditions of approval. During that time, staff has discussed the conditions of approval and mitigation measures with the applicant, ensuring that there are no outstanding issues. At this time staff is recommending that the Planning Commission take the project under consideration and adopt the attached Resolution approving Precise Plan (PP-14-01) and Conditional Use Permit (CUP-14-06), subject to conditions contained therein.

PROPERTY DESCRIPTION:

The subject property is located on the east side of Atlantic Boulevard approximately 350 feet to the north of the northeast corner of Garvey Avenue and Atlantic Boulevard. The General Plan land use designation for this address is "Mixed Use I" and is currently zoned R-S, P-D (Regional Specialty, Planned Development). The project site is comprised of a single parcel approximately 48,787 square feet (1.12 acres) in size. The site is currently vacant and was previously developed for commercial use (a stand-alone restaurant). Directly adjacent and to the north of the subject site is a single-story Bank of America financial building zoned R-S, P-D (Regional Specialty Center, Planned Development Overlay). Directly to the south of the subject site is a 99 Ranch Market and a multi-tenant shopping center zoned R-S, P-D (Regional Specialty Center, Planned Development Overlay). To the west and across Atlantic Boulevard is the two-story Mar Center, which includes commercial and restaurant uses zoned (Regional Specialty Center. Directly to the east and adjacent to the subject site is the Lions Manor, a six-story senior housing complex zoned R-3, P-D (High-Density Residential, Planned Development Overlay).

PROJECT DESCRIPTION:

The applicant, Yung Kao, submitted a Precise Plan of Development to allow the development of a 6-story (75 feet high) hotel with 180 rooms and a floor area of 97,876 square feet and Conditional Use Permit (CUP-14-06) for the general on-sale license of alcohol in conjunction with a bona fide public eating place and compact parking in conjunction with the new hotel. The project consists of a 4,059 square foot restaurant use along with 1,075 square feet of retail space; 14,727 square feet of common areas (including a 6,214 square foot public open space area); and 13,446 square feet for service areas and support facilities that include the reception area, back-of-house facilities (support offices), meeting rooms, a business center, a swimming pool, and a fitness center. The proposed project will provide a total of 263 parking spaces in a three-level subterranean parking garage, which meets and exceeds the required number of off-street parking spaces. According to MPMC Table 21.22(C), 1 parking space will be required per hotel room and 10 spaces per 1,000 square feet are required for restaurant uses. For the proposed 180 hotel rooms, 180 spaces are required and will be provided. The restaurant use requires 41 off-street parking spaces and 41 are provided. The proposed architectural style of the building will be modern. This project was presented to the Design Review Board for preliminary comments on December 3, 2013. The Board supported the proposed building design and provided some preliminary comments.

Precise Plan

The P-D Overlay District is intended to provide design flexibility in achieving the purpose and intent of other base zoning districts with which it is combined per MPMC § 21.14.020. Application of the P-D Overlay District is intended to assist in achieving consistency with the policy and intent of the General Plan by allowing flexibility in site design where superior quality attainment can be enhanced by such flexibility. According to MPMC § 21.14.150, a Precise Plan requires a public hearing before the Planning Commission can consider making the findings to approve it.

The proposed project and Precise Plan are appropriate for the subject property because the project fulfills the objectives of the General Plan and is designed according to the regulations required by the P-D Overlay Zone. The project site is 1.12 acres and is adequate in size for the proposed project. The project will have a modern building designed and the building will be articulated and setback so it will not overwhelm adjacent properties and the public right-of-way. Additionally, the project must provide several off-site improvements, including a 5 foot wide dedication on North Atlantic Boulevard, and a new northbound approach dedicated right turn lane at the North Atlantic Boulevard and Emerson Avenue intersection. The project will have a guest drop-off and pick-up area via a roundabout adjacent to the lobby area which also includes parking for one shuttle bus and three full-sized buses located to the rear of the property. Furthermore, new striping will be provided on North Atlantic Boulevard.

The building will be compatible with developments in the general area. The building mass will be articulated with architectural elements, such as awnings, wall off-sets, and

recessed windows and entries. The project is designed according to the standards required by the P-D Overlay Zone. The proposed building will be 75 feet tall, which is the maximum height permitted in the P-D Overlay Zone. According to MPMC § 21.14.090(B), 4,000 square feet of the ground floor area needs to be utilized as retail and/or restaurant to serve the pedestrian realm. The project will provide a 4,058 square foot restaurant and 1,075 square feet of retail floor space on the ground floor area. The project requires a minimum of 5,854 square feet of public open space and will provide 6,214 square feet of public open space, which exceeds the minimum requirement. The open space areas will be provided throughout the project. At the ground level, 10,031 square feet of open space will be provided, which includes a plaza with water features and seating areas. At the second level, 1,662 square feet of open space with outdoor seating and a water feature. The third level, 14,218 square feet of open space will be provided, which will include swimming pools and an open court yard. The sixth floor, 7,281 square feet of open space will be provided, which will include an open courtyard with seating areas.

The proposed building and its use comply with the General Plan. The subject property is designated Mixed-Use I (MU-I) in the General Plan. One of the goals of the General Plan (Goal 3.0) is to establish the North Atlantic area as a focal point for diverse retail, entertainment and hospitality development. The proposed project will be a hospitality development with diverse retail uses. The project is a hotel development, which includes commercial/restaurant space on the ground floor level and 180 hotel rooms in the second through sixth level.

Conditional Use Permit

Alcohol License

According to the floor plan, the restaurant will be located on the ground floor and will be 4,095 square feet. The interior dining area will be comprised of 2,330 square feet of interior dining and 1,153 square feet of kitchen and 576 square feet of outdoor dining area. The restaurant will serve breakfast, lunch and dinner during the hours of operation, seven days a week from 7:00 a.m. to 11:00 p.m. The alcohol service hours would be seven days a week from 10:00 a.m. to 11:00 p.m. The serving of alcoholic beverages will complement the restaurant's meals and the hotel patrons. The 6th floor will include a separate service bar, but no food service would be provided. No type of any entertainment is proposed for the hotel development.

According to the guidelines established by the California Department of Alcoholic Beverage Control (ABC), a total of 2 on-sale licenses are allowed before the census tract reaches the threshold of being defined as having undue concentration in the subject Census Tract No. 4817.14. Based on a population of 1,061 in the census tract, ABC allows 2 on-sale licenses in this census tract; currently there are 15 licensed establishments. New licenses that exceed the threshold are permissible with the adoption of a finding of Public Convenience and Necessity (PCN). Issuing a PCN is contingent upon the Planning Commission granting a conditional use permit ("CUP"). As an eating establishment, ABC assumes this responsibility and no action is required of

the City in this regard other than as specified in the MPMC. After contacting ABC on January 12, 2015, it is staff's understanding that if the CUP is approved by the City, and because this is a bona fide eating establishment, ABC will issue the PCN as a routine matter.

According to MPMC § 21.10.230(G), there are no distance requirements for on-sale alcoholic beverages when sold in conjunction with a bona fide retail eating establishment. However, on-site sale uses must comply with the list of requirements specified in the MPMC § 21.10.230(C). Some of the requirements include limiting the exterior lighting of the parking area to intensities between one and two foot-candles so as to provide adequate lighting for patrons while not disturbing surrounding residential or commercial areas and special security measures, such as security guards and alarm systems.

The Police Department has included condition numbers 125 through 137 in the Resolution to address security and alarm requirements.

This application is for a general on-sale alcohol license in conjunction with a bona fide public eating place and hotel development. The applicant has clearly stated that it does not wish to provide entertainment uses. However, if a request were to be submitted at any future date, the applicant would have to request a modification to the CUP.

Compact Parking

On-site parking will include three-levels of subterranean parking, at-grade tour bus parking. Adequate parking is provided within the 3-levels of subterranean parking on the property. The required number of parking spaces for a hotel is 1 per room and 10 spaces per 1,000 square feet are required for restaurant uses according to MPMC § 21.22.120. The required number of parking spaces based on the number of rooms for the proposed 180-room hotel development use is 180 spaces and 41 spaces for the restaurant use. The proposed project is required to have 221 parking spaces and will provide a total of 263 parking spaces which meets and exceeds the number of required parking. According to MPMC § 21.22.170, compact parking spaces are subject to approval of a conditional use permit and no more than 30 percent of the total required parking may be compact parking. The project will provide 167 standard parking spaces and 66 compact parking spaces. In addition to maximum required compact parking the project will provide 22 additional compact parking spaces which are not required parking spaces.

Traffic Study

According MPMC § 21.22.370, a traffic impact study is required for a hotel development. The Traffic Study analyzed the intersections and on-site and off-site circulation. According to the Findings and Recommendations included in Chapter 7 of the Traffic Study, the project is not anticipated to have significant impacts at the intersections of Atlantic Boulevard and Emerson Avenue with the incorporation of mitigation measures. The restriping of the northbound approach to provide a new

dedicated right turn lane with an overall minimum length of 100 feet (including storage and taper) at the North Atlantic Boulevard and Emerson Avenue will reduce impacts to less than significant on Atlantic Boulevard. With regards to on-site and off-site circulation, the parking structure will be provided in three subterranean levels and provide adequate turning radii and clearance for emergency vehicle access. North Atlantic Boulevard will receive new striping per the Traffic Study, which has been reviewed by the Public Works Department and Arch Beach, a consulting engineering company.

Mitigation Measures

Restriping of the northbound approach at Atlantic Boulevard and Emerson Avenue

The restriping of the northbound approach of Atlantic Boulevard at Emerson Avenue to provide a new dedicated right turn lane with an overall minimum length of 100 feet (including storage and taper). The resulting northbound lane configuration would provide one left turn lane, two through lanes, and one right turn lane.

New striping at Atlantic Boulevard

North Atlantic Boulevard will receive new striping by providing a dedicated striped turn lane pocket for the project driveway, with a transition on the south side of this lane into the existing two-way left turn lane and a transition on the north side of this lane into the existing northbound left turn lane for the Atlantic Boulevard/Mar Center driveway intersection.

Public Outreach

The applicant held a public outreach meeting at the Langley Senior Center on November 6, 2014. The applicant distributed community outreach meeting notices to the surrounding residential and commercial properties adjoining the subject property within the block bounded by Emerson Avenue, Atlantic Boulevard, Garvey Avenue and Chandler Avenue on October 31, 2014, and to the management office of the Lions Manor senior housing complex east of the project site.

OTHER ITEMS:

Environmental Assessment

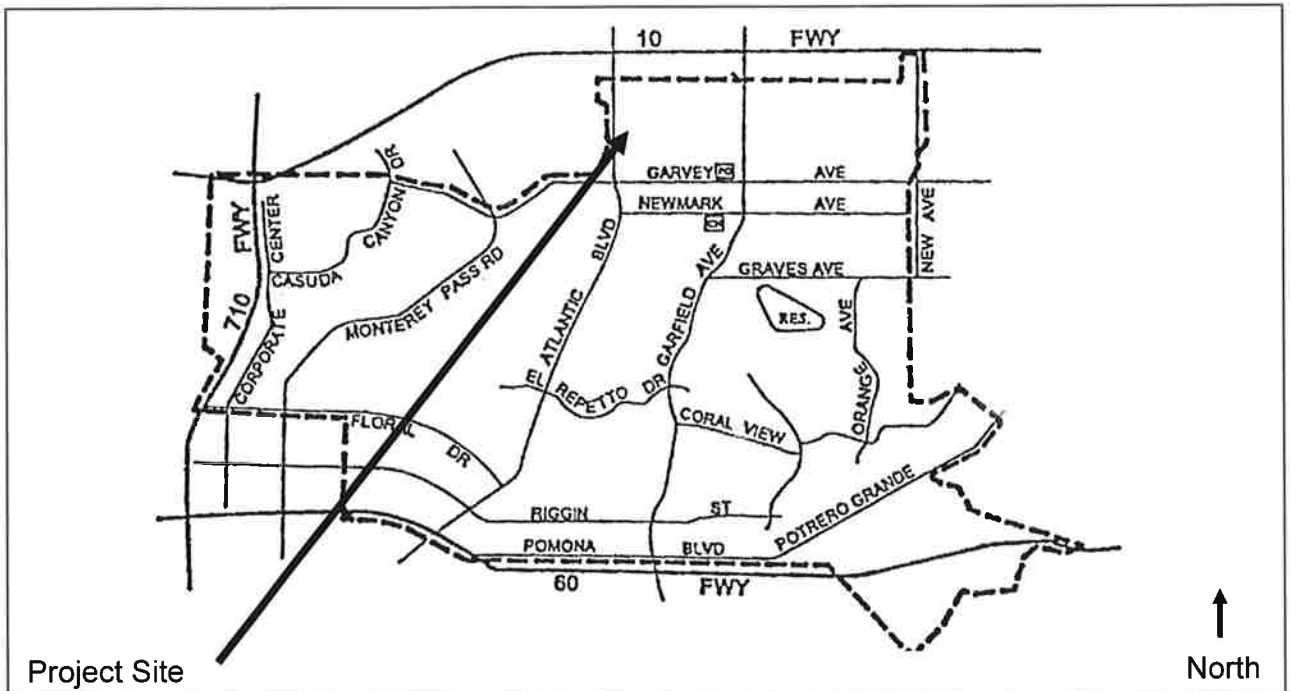
As required by the California Environmental Quality Act (CEQA), the City prepared an Initial Study to determine what environmental impacts, if any, would be generated by the proposed project. Following the Initial Study, it was determined that although the proposed project could have a significant effect on the environment, there will not be significant effects in this case because revisions in the project have been made by or agreed to by the project proponent and a Mitigated Negative Declaration was prepared. Less than significant impacts with mitigations incorporated were identified in the areas of Air Quality, Cultural Resources, Hazardous Materials, Noise, and Transportation and

Traffic. The mitigation measures relative to air quality, cultural resources, hazardous materials, and noise addresses actions that must be taken prior and during the construction process. Staff recommends that after consideration of the Initial Study and comments received during the public review period, that the Planning Commission adopt the Mitigated Negative Declaration.

Legal Notification

The legal notice of this hearing was published in the Monterey Park Progress on **December 18, 2014** and posted at City Hall, Monterey Park Bruggemeyer Library, and Langley Center on **December 8, 2014**, with affidavits on file. The legal notice of this hearing was mailed to **30** property owners within a 300 feet radius **December 8, 2014**.

Vicinity Map



Street Map




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Prepared by:



Harald Luna
Assistant Planner

Reviewed by:



Karl H. Berger
Assistant City Attorney

Attachments:

- Exhibit A: Draft Resolution
- Exhibit B: Site, floor, and elevation plans
- Exhibit C: Precise Plan
- Exhibit D: Initial Study and Mitigated Negative Declaration, and Mitigation and Monitoring Reporting Program

EXHIBIT A

Draft Resolution

RESOLUTION NO.

A RESOLUTION ADOPTING A MITIGATED NEGATIVE DECLARATION, APPROVING PRECISE PLAN (PP-14-01) FOR CONSTRUCTING A NEW HOTEL DEVELOPMENT AND (CUP-14-06) TO ALLOW GENERAL ON-SALE LICENSE OF ALCOHOL AND COMPACT PARKING IN CONJUNCTION WITH A NEW HOTEL (HOTEL 220 MPK) AT 220 NORTH ATLANTIC BOULEVARD.

The Planning Commission of the City of Monterey Park does resolve as follows:

SECTION 1: The Planning Commission finds and declares that:

- A. On January 23, 2014, Yung Kao, on behalf of 220 Hotel Atlantic, LLC, submitted an application pursuant to Title 21 of the Monterey Park Municipal Code ("MPMC"), requesting approval of a Precise Plan (PP-14-01) to construct a new hotel development at 220 North Atlantic Boulevard ("PP-14-01");
- B. On October 28, 2014, Jian Li, on behalf of 220 Hotel Atlantic, LLC, submitted an application pursuant to MPMC Title 21 requesting approval of Conditional Use Permit (CUP-14-06) for the general on-sale license of alcohol in conjunction with a bona fide public eating place and compact parking in conjunction with the new hotel at 220 North Atlantic Boulevard ("CUP-14-06"; collectively, PP-14-01 AND CUP-14-06 constitute the "Project");
- C. The proposed Project was reviewed by the Community and Economic Development Department for, in part, consistency with the General Plan and conformity with the MPMC;
- D. In addition, the City reviewed the Project's environmental impacts under the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, "CEQA") and the regulations promulgated thereunder (14 California Code of Regulations §§ 15000, *et seq.*, the "CEQA Guidelines");
- E. The Community and Economic Development Department completed its review and scheduled a public hearing regarding the proposed Project, before the Planning Commission for January 13, 2015. Notice of the public hearing on the proposed Project was posted and mailed as required by the MPMC;
- F. On January 13, 2015, the application was continued to the meeting of January 27, 2015 to allow City staff additional time to gather all the materials necessary to present to the Planning Commission;
- G. On January 27, 2015, the Planning Commission held a public hearing to receive public testimony and other evidence regarding the proposed Project, including, without limitation, information provided to the Planning Commission by City staff and public testimony, and the applicant's representatives; and

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- H. This Resolution and its findings are made based upon the testimony and evidence presented to the Commission at its January 27, 2015 hearing including, without limitation, the staff report submitted by the Community and Economic Development Department.

SECTION 2: *Factual Findings and Conclusions.* The Planning Commission finds that the following facts exist and makes the following conclusions:

- A. The Applicant seeks approval to construct a new 6 story, 75 feet tall, and 97,876 square feet hotel development: serve general on-sale license of alcohol in conjunction with an existing retail eating establishment; and provide compact parking in conjunction with the hotel development. The Project will have one-level of restaurant and commercial uses; five levels of hotel rooms; and three levels of subterranean parking. The Project includes 180 hotel rooms, 263 parking spaces and one shuttle bus and three full-sized buses parking spaces;
- B. 220 North Atlantic Boulevard is zoned R-S, P-D (Regional Specialty Center, Planned Development) and the General Plan designation is Mixed-Use I;
- C. The Project property is located on the east side of Atlantic Boulevard. To the north of the property is a single-story Bank of America financial building, R-S, P-D (Regional Specialty Center, Planned Development) zoned lots, south is a 99 Ranch Market and a multi-tenant shopping center, R-S, P-D (Regional Specialty Center, Planned Development) zoned lots, west across Atlantic Boulevard is the two-story Mar Center, which includes commercial and restaurant uses R-S (Regional Specialty Center) zoned lots, and east is the Lions Manor, a six-story senior housing complex R-3, P-D (High-Density Residential, Planned Development) zoned lots; and
- D. The Project property is comprised of a single parcel totaling 48,787 square feet (1.12 acres) in size. The site is currently vacant and was previously developed for commercial use.

SECTION 3: *Environmental Assessment.*

- A. The Project was analyzed for its environmental impacts and an Initial Study was prepared by the Community and Economic Development Department pursuant to the guidelines of the California Environmental Quality Act (CEQA) Guidelines § 15063. The Initial Study demonstrated that the project would not have a significant effect on the environment with inclusion of certain mitigation measures which lessened potential adverse impacts to a level of less than significant. A Mitigated Negative Declaration of Environmental Impacts is proposed for this project pursuant to CEQA Guidelines §15070 (the "MND"). The MND is attached as Exhibit "A," and incorporated by this reference. A Notice of Intent to Adopt a Negative Declaration was prepared pursuant to

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CEQA Guidelines §§ 15072 and 15073, and was available for public comment from December 10, 2014 to January 10, 2015.

- B. In accordance with CEQA Guidelines § 15074, the record on which the Planning Commission's findings are based is located at the City of Monterey Park Community and Economic Development Department – Planning Division at City Hall, 320 West Newmark Avenue, Monterey Park, California 91754.
- C. When considering the whole record for the draft Initial Study and Negative Declaration, there is no evidence that the Project will have the potential for an adverse effect on wildlife resources or the habitat on which the wildlife depends, because the project is in a built-out urban environment.
- D. These findings are based on the various mitigation measures to be required in the implementation of the project as set forth in the MND as already having been incorporated into the Project. The Planning Commission finds that all the mitigation measures now incorporated into the project are desirable and feasible.
- E. Accordingly, based upon the evidence presented to the Planning Commission, the City need not prepare an environmental impact report for the proposed project.

SECTION 4: Precise Plan Findings. The Commission finds as follows pursuant to Government Code § 65451 and MPMC Title 21:

- A. The plan for the proposed project consists of buildings and structures that are of good design and in general contributes to the image of Monterey Park as a place of creativity and individuality.

The architectural style of the proposed project will be modern and the finishes will be high quality. The building finishes include smooth white stucco with earth-tone tan accents, basalt stone tiles, wood and aluminum cladding, frameless curtain colored glass walls, and champagne mullions. The proposed building design provides a more vibrant and modern feel to the project area. The existing commercial buildings to the west, south and north were constructed between the 1960s and 1990s and reflect the architectural style of that time period. The intent of the proposed modern architectural style is to create a timeless looking building by providing a sense of a pedestrian scale.
- B. The proposed buildings or structures are not of inferior quality such as to cause the nature of the local environment to materially depreciate in appearance and value.

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The proposed project will include high quality materials. Also, the project will provide new street trees along North Atlantic Boulevard as well as throughout the project in raised planters, a common open space area with a raised plaza and water features. Pursuant to MPMC § 21.14.090(C), a 12 foot wide pedestrian realm is required on Atlantic Boulevard. The Project will provide a 5 foot dedication and a 12 foot 6 inch up to a 49 foot 8 inch wide pedestrian realm on North Atlantic Boulevard. The Project will provide generous landscaping, which includes special pavements, landscaped screen walls, planters, water features, bike racks and site furniture, which will be consistent with the requirements of the Planned Development Overlay Zone.

- C. The proposed buildings or structures and use thereof are compatible with developments of land in the general area. Consideration of scale, height, bulk, materials cohesiveness, community, traffic, the desirability of preserving a sense of open space, and the need for privacy are deemed to be important considerations of compatibility.

The building will be compatible with developments in the general area. The project is designed according to the standards required by the P-D Overlay Zone. The proposed building will be 75 feet tall, which is the maximum height permitted in the P-D Overlay Zone. According to MPMC § 21.14.090(B) hotel developments are permitted a height not to exceed 75 feet, provided a minimum 4,000 square feet of the ground floor area is utilized as retail and/or restaurant to serve the pedestrian realm. The building mass will be articulated with architectural elements, such as a floating roof feature, wall off-sets, recessed windows and entries. According to MPMC § 21.14.090(D), the project requires a minimum of 5,854 square feet of pedestrian use open space and will provide 6,214 square feet of pedestrian use open space, which exceeds the minimum requirement. The open space areas will be provided through out the project. At the ground level, 10,031 square feet of open space will be provided, approximately 61 percent of which will be covered terrace at the hotel entry. At the second level, 1,662 square feet of common open space will be provided, which include outdoor seating and a water feature. The third level, 14,218 square feet of open space will be provided, which will include swimming pools and an open court yard. The sixth level, 7,281 square feet of open space will be provided, which will include an open court yard and seating areas.

- D. The proposed development is in conformity with the standards of this chapter and other applicable ordinances insofar as the location and appearance of the buildings and structures are involved.

The proposed development is in conformity with the standards of the P-D Overlay Zone chapter and other ordinances. As stated above, the proposed

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project is designed according to the standards included in the P-D Overlay Zone chapter.

- E. The proposed buildings or structures and its use would not unreasonably interfere with the use or enjoyment of property in the vicinity by the occupants thereof of lawful purposes, and would not adversely affect the public peace, health, safety or general welfare.

The proposed building and its use will not unreasonably interfere with the use or enjoyment of properties in the vicinity. First, the proposed project is designed according to the regulations in the P-D Overlay Zone chapter. Second, both the P-D Overlay Zone and proposed project considers the properties abutting the subject property. The project abuts R-3, P-D (High Density Residential, Planned Development Overlay) zoned properties to the east. The building will be setback approximately 15 feet 8 inches from the eastern property line. Also, all the commercial uses will be located towards the front adjacent to Atlantic Boulevard.

- F. The proposed buildings or structures and its use are in compliance with the General Plan.

The proposed building and its use are in compliance with the General Plan. The subject property is designated Mixed-Use I (MU-I) in the General Plan. One of the goals of the General Plan (Goal 3.0) is to establish the North Atlantic area as a focal point for diverse retail, entertainment, and hospitality development. The proposed project will be a hospitality development with diverse retail uses. The project is a hotel development, which includes 180 hotel rooms. There will be one-level of commercial/restaurant space with five-levels of hotel rooms.

SECTION 5: *Conditional Use Permit Findings.* Pursuant to MPMC §§ 21.10.230 (B) and 21.32.020, the Planning Commission finds as follows:

- A. That the proposed use complies with all requirements as set forth for the issuance of a conditional use permit.

The proposed use complies with all requirements for the issuance of the conditional use permit. First, the site is adequate in size, shape and topography for the proposed use because the proposed use is the addition of a general on-sale of alcohol beverages and compact parking in conjunction with the construction of a new hotel development. The lot is 48,787 square feet (1.12 acres) in area, rectangular shaped, and relatively flat. The property is currently vacant and is proposed to be developed with a new 6-story, 180-room hotel development. On-site parking will include three-levels of subterranean parking, at-grade tour bus parking. Second, the site has sufficient access to streets and highways, adequate in width and pavement type to carry the quantity and quality

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of traffic generated by the proposed use. The site is accessible from North Atlantic Boulevard a principal arterial street. Adequate parking is provided within the 3-levels of subterranean parking on the property. The required number of parking spaces for a hotel is 1 per room and 10 spaces per 1,000 square feet are required for restaurant uses according to MPMC § 21.22.120. The required number of parking spaces based on the number of rooms for the proposed 180-room hotel development use is 180 spaces and 41 spaces for the restaurant use. The proposed project will provide a total of 263 parking spaces. According to MPMC § 21.22170 (C) no more than 30 percent of the total required parking may be compact parking. The project will provide the 66 compact parking spaces and will provide 22 additional compact parking spaces, which meets and exceeds the number of required parking. The parking lot will be accessible from Atlantic Boulevard that is four-lane road and are designed to carry moderate levels of traffic. The project will provide ingress and egress via a single driveway. Based on the traffic impact analysis findings, which has been reviewed by the Public Works Department, the proposed project is not expected to significantly increase traffic because of the inclusion of certain mitigation measures which lessened potential adverse impacts to a level of less than significant. Third, the proposed use is consistent with the General Plan and conforms to objectives of the General Plan and the Monterey Park Municipal Code zoning regulations. The subject property is designated MU-I (Mixed-Use I) in the General Plan. The Mixed-Use I land use category provides opportunities for a broad range of retail and service commercial and professional office uses intended to meet the needs of Monterey Park residents and businesses, as well as, regional shopping demand. The proposed use is the addition of general on-sale of alcohol beverages and compact parking in conjunction with the new hotel development. On-sale alcoholic beverage sales and compact parking are permitted in the R-S, P-D (Regional Specialty Center, Planned Development) Zone with Conditional Use Permit approval. Fourth, the proposed use, as conditioned, will not have an adverse effect on the use, enjoyment or valuation of property in the neighborhood as required security measures will minimize the potential for any negative impacts. Lastly, the proposed use will not have an adverse effect on the public health, safety, and general welfare because mitigation and security measures will limit any potential adverse effects to neighboring properties.

- B. That the proposed use will not present problems, including, but not limited to, loitering, obstruction of pedestrian traffic, vehicular traffic, parking, crime interference with children on their way to school, interference with shoppers using streets, defacement and damage to structures.

The proposed use is the addition of on-sale beer and wine and compact parking in conjunction with the development of a 180-room hotel. On-sale of alcoholic

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beverage uses and compact parking spaces are permitted with a conditional use permit.

- C. That the proposed use will not lessen the suitability of any nearby commercially-zoned properties for commercial use.

The subject property is zoned R-S, P-D (Regional Specialty Center, Planned Development). A hotel development is a permitted subject to approval of a precise plan and on-site sales of alcohol beverages require a conditional use permit and is allowed for combined consideration with the precise plan in the R-S, P-D Zone. Surrounding properties include R-S, P-D zoned lots to the north and south, R-3 zoned lots to the east, and R-S zoned lots to the west. The properties to the north, east and west are permitted to have hotel uses and to apply for a conditional use permit for general on-sale alcohol in conjunction with a bona fide public eating establishment. The suitability of any nearby commercial-zoned properties for commercial use will remain the same.

- D. The use does not adversely affect the welfare of area residents or result in undue concentration in the neighborhood of establishments dispensing alcoholic beverages including beer and wine.

The applicant's request to add general on-sale alcohol beverages (Type 47) for on-site consumption and compact parking spaces in conjunction with the hotel development will enhance the proposed hotel development and will not adversely affect the welfare of area residents since the addition of general on-sale of alcohol beverages and compact parking, as mentioned, will be incidental to the primary use. According to the guidelines established by the California Department of Alcoholic Beverage Control (ABC), a total of 2 on-sale licenses are allowed before the census tract reaches the threshold of being defined as having undue concentration in the subject Census Tract No. 4817.14. Based on a population of 1,061 in the census tract, ABC allows 2 on-sale licenses in the tract and currently licenses 15 establishments. New licenses that exceed the threshold are permissible with the adoption of a finding of Public Convenience and Necessity (PCN) which is determined by the Department of ABC.

According to MPMC § 21.10.230(G), there are no distance requirements for on-sale alcoholic beverages when sold in conjunction with a bona fide retail eating establishment. However, on-sale uses must comply with the list of requirements specified in the MPMC § 21.10.230(C). Some of the requirements include limiting the exterior lighting of the parking area to intensities between one and two foot-candles so as to provide adequate lighting for patrons while not disturbing surrounding residential or commercial areas and special security measures, such as security guards and alarm systems. The Police Department has included conditions numbers 125 through 137 in the Resolution to address security and alarm requirements.

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SECTION 6: Actions. The Planning Commission takes the following actions:

- A. Approves the MND set forth in Exhibit A and directs the Director of Community and Economic Development, or designee, to file any appropriate notifications in accordance with applicable law;
- B. Pursuant to Public Resources Code §§ 21081(a) and 21081.6, the Planning Commission adopts the Mitigation Monitoring and Reporting Program (MMRP) set forth in the attached Exhibit "B," which is incorporated into this Resolution by reference. The Planning Commission adopts each of the mitigation measures as conditions of approval for the Project. Other Project conditions of approval and compliance with applicable codes, policies, and regulations will further ensure that the environmental impacts of the Project will not be greater than set forth in the MND and these findings;
- C. Adopts Precise Plan (PP-14-01) and Conditional Use Permit (CUP-14-06) attached as Exhibit C in its entirety including, without limitation, the conditions of approval set forth in the attached Exhibit "D," which is incorporated by reference; and
- D. Authorize the City Manager, or designee, to make non-substantive changes to the Precise Plan, as determined by the City Attorney.

SECTION 7: Reliance on Record. Each and every one of the findings and determinations in this Resolution are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the Project. The findings and determinations constitute the independent findings and determinations of the Planning Commission in all respects and are fully and completely supported by substantial evidence in the record as a whole.

SECTION 8: Limitations. The Planning Commission's analysis and evaluation of the project is based on the best information currently available. It is inevitable that in evaluating a project that absolute and perfect knowledge of all possible aspects of the project will not exist. One of the major limitations on analysis of the project is the Planning Commission's lack of knowledge of future events. In all instances, best efforts have been made to form accurate assumptions. Somewhat related to this are the limitations on the City's ability to solve what are in effect regional, state, and national problems and issues. The City must work within the political framework within which it exists and with the limitations inherent in that framework.

SECTION 9: Summaries of Information. All summaries of information in the findings, which precede this section, are based on the substantial evidence in the record. The absence of any particular fact from any such summary is not an indication that a particular finding is not based in part on that fact.

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SECTION 10: This Resolution will become effective immediately upon adoption and remain effective unless superseded by a subsequent resolution.

SECTION 11: A copy of this Resolution will be mailed to the applicant and to any other person requesting a copy.

SECTION 12: This Resolution may be appealed within nineteen (19) calendar days after its adoption. All appeals must be in writing and filed with the City Clerk within this time period. Failure to file a timely written appeal will constitute a waiver of any right of appeal.

ADOPTED AND APPROVED this 27th day of January 2015.

Chairperson Rodrigo Garcia

I hereby certify that the foregoing Resolution was duly adopted by the Planning Commission of the City of Monterey Park at the regular meeting held on the 27th day of January 2015, by the following vote of the Planning Commission:

AYES:
NOES:
ABSTAIN:
ABSENT:

Michael A. Huntley, Secretary

APPROVED AS TO FORM:
Mark D. Hensley, City Attorney

By: _____

Karl H. Berger,
Assistant City Attorney

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Exhibit A

CONDITIONS OF APPROVAL

220 NORTH ATLANTIC BOULEVARD

In addition to all applicable provisions of the Monterey Park Municipal Code ("MPMC"), 220 Hotel Atlantic, LLC, agrees that it will comply with the following provisions as conditions for the City of Monterey Park's approval of Precise Plan (PP-14-01) and Conditional Use Permit (CUP-14-06) ("Project Conditions").

PLANNING:

1. 220 Hotel Atlantic, LLC, Yung Kao (the "Applicant") agrees to indemnify and hold the City harmless from and against any claim, action, damages, costs (including, without limitation, attorney's fees), injuries, or liability, arising from the City's approval of PP-14-01 and CUP-14-06 except for such loss or damage arising from the City's sole negligence or willful misconduct. Should the City be named in any suit, or should any claim be brought against it by suit or otherwise, whether the same be groundless or not, arising out the City approval of PP-14-01 and CUP-14-06, the Applicant agrees to defend the City (at the City's request and with counsel satisfactory to the City) and will indemnify the City for any judgment rendered against it or any sums paid out in settlement or otherwise. For purposes of this section "the City" includes the City of Monterey Park's elected officials, appointed officials, officers, and employees.
2. This approval is for the project as shown on the plans reviewed and approved by the Planning Commission and on file. Before the City issues a building permit, the applicant must submit plans, showing that the project substantially complies with the plans and conditions of approval on file with the Planning and Building Safety Department. Any subsequent modification must be referred to the Director of the Community and Economic Development Department for a determination regarding the need for Planning Commission review and approval of the proposed modification.
3. All conditions of approval must be listed on the plans submitted for plan check and on the plans for which a building permit is issued.
4. Before building permits are issued, the applicant must obtain all the necessary approvals, licenses and permits and pay all the appropriate fees as required by the City.
5. The real property, subject to PP-14-01 and CUP-14-06 must remain well-maintained and free of graffiti; any graffiti must be removed within 24 hours after discovery. Failure of the applicant/property owner to remove graffiti within 24

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hours written notice by the City will cause the City to abate the graffiti at the cost of the applicant/property owner.

6. Landscaping/irrigation must be maintained in good condition at all times.
7. In addition to all applicable provisions of the MPMC, the Applicant must comply with the Mitigation Monitoring and Reporting Program (MMRP) that was prepared as a part of the environmental review for this project and all of the mitigation measures identified therein. The MMRP is incorporated into these conditions by reference.
8. The applicant must install temporary noise barriers to mitigate construction noise to the satisfaction of the Community and Economic Development Director, or designee.
9. The project plans and design must be reviewed and approved by the Design Review Board.
10. A copy of the Conditions of Approval for the Precise Plan (PP-14-01) and Conditional Use Permit (CUP-14-06) must be kept on the premises of the establishment and presented to any authorized City official upon request.
11. The exterior lighting must be kept at an intensity of between one and two foot-candles so as to provide adequate lighting for patrons while not disturbing surrounding residential or commercial areas.
12. The applicant/owner of the establishment must comply with all applicable law. The applicant must obtain and maintain a valid Alcoholic Beverage License for On-Sale Beer and Wine – Eating Place. All conditions of the Alcoholic Beverage Control license must be maintained at all times and failure to do so will be grounds for revocation.
13. The service of alcohol is only allowed with the consumption of food.
14. No entertainment uses including, without limitation, karaoke, dancing, or live music, are permitted at this location unless a modification to the Conditional Use Permit is approved for such use.
15. Alcoholic beverages must be served in non-disposable containers and distinguishable from containers used for non-alcoholic beverages.
16. The sale of alcoholic beverages for consumption outside or off the premises is prohibited. Signs must be posted at all entrances and exits of the premises indicating that the sale of alcoholic beverages for consumption outside or off the premises is prohibited.

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17. The restaurant business hours of operation will be seven days a week from 7:00 a.m. to 11:00 p.m.
18. Hours of operations for alcohol service at the hotel must be limited to the hours of 10:00 a.m. to 11 p.m. daily.
19. The applicant must obtain and maintain all licenses required by the Alcohol Beverage Control Act (Business & Professions Code §§ 23300, *et seq.*). The applicant must obtain and maintain a Type 47 license.
20. Locations where alcohol service is permitted outdoors, identified on the submitted hotel project plans, must comply with MPMC §§ 9.53. regulating noise and vibration. Non-compliance with MPMC noise requirements is subject to City code enforcement action. To resolve a code enforcement case involving outdoor alcohol service, the Community and Economic Development Director may impose limitations on the service of alcohol at the site. These limitations could include, without limitation, restricting hours of outdoor alcohol service and additional restrictions on the location of outdoor alcohol service.
21. The Planning and Building Safety Divisions and the Police Department must be notified of any change of ownership of the approved use in writing within 10 days of the completion of the change of ownership. A change in project ownership may be cause to schedule a hearing before the Planning Commission regarding the status of the conditional use permit.
22. The applicant must comply with all regulations of the Alcoholic Beverage Control Act and the regulations promulgated by the Alcoholic Beverage Control Board including, without limitation, the regulations set forth in 4 Cal. Code of Regs. §§ 55, *et seq.*
23. The applicant must post a sign in a clear and conspicuous location listing a phone number at which a responsible party may be contacted during all open hours of the establishment to address any concerns of the community regarding noise at the hotel. Said contact's name and phone number must also be available through hotel staff at all times.
24. The applicant must, at all times, display a *Designated Driver* sign of at least ten inches by ten inches (10" X 10") at the bar at eye level. The sign must be worded in a way that reminds patrons who are consuming alcohol to designate a *non-drinking driver*.
25. There must be no exterior advertising of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages which are clearly visible to the exterior constitute a violation of this condition.

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26. All employees serving alcoholic beverages to patrons must enroll in and complete a certified training program approved by the State Department of Alcoholic Beverages Control (ABC) for the responsible sales of alcohol. The training must be offered to new employees on not less than a quarterly basis.
27. Any and all employees hired to sell alcoholic beverages must provide evidence that they have either:
 - a. Completed training from the State of California Department of Alcoholic Beverage Control (ABC), Long Beach/Lakewood District Office administered *Leadership and Education in Alcohol and Drugs* (LEAD) Program in the form of an ABC-issued certificate; or,
 - b. Completed an accepted equivalent by the ABC, Long Beach/Lakewood District Office to ensure proper distribution of beer, wine and distilled spirits to adults of legal age. If any prospective employee designated to sell alcoholic beverages does not currently have such training, then;
 - c. The ABC-licensed proprietors must have confirmed with the Planning and Building Safety Department within fifteen (15) days of the Director's decision, or by final project approval, that a date certain has been scheduled within the local ABC Office to complete the LEAD course.
 - d. Within thirty (30) days of taking said course, the employees, or responsible employer must deliver each required certificate showing completion to the Police Department.
28. If complaints are received regarding excessive noise, lighting, building access, or other disturbances associated with alcohol service at the hotel, the city may, in its discretion, take action to review the Conditional Use Permit, including without limitation, adding conditions or revoking the permit.

BUILDING:

29. Demolition permits are required to remove existing structures. Before the City issues a building permit, the Building Official must accept demolition completion and sewer capping. A compaction report must be submitted to the Building and Safety Division showing adequate compaction of fills, if any. All underground utility lines must be capped within 5 feet of the property line and clearly marked.
30. Grading permit is required by the Engineering Division. The City will not issue a building permit until rough grading is completed and approved by the Public Works Director, or designee.

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31. The second sheet of the building plans must include all City of Monterey Park conditions of approval.
32. A building permit cannot be construed as permitting the excavations to encroach into adjacent property. The developer must protect adjacent property in accordance with Civil Code § 832.
33. The building plans must indicate the proposed path of building sewer, size of sewer line, location of cleanouts, and the invert elevation of the lateral at the property line.
34. A soils and geology report is required as part of the plan check submittal.
35. Before the City issues a building permit, the applicant must obtain a permit from CAL-OSHA for any trenching and scaffolding work.
36. A compaction report for demolition of previous buildings must be submitted to the Planner before the City issues grading or building permits.
37. The developer must provide one access parking for "city parking" area in the subterranean parking level.
38. All improvements must comply with the California Building Code, California Plumbing Code, and California Electrical Code, all as adopted by the MPMC, in effect at the time the City issues building permits.
39. Due to nature of clay soils and their long retention of water, waterproofing (instead of damp proofing) is required regardless of the groundwater table.
40. The garage must be separated from commercial facilities with proper occupancy separation per CBC Chapter 3, as adopted by the MPMC.
41. 2013 Energy Efficiency Standards apply to this project.

ENGINEERING:

42. Under the Los Angeles County Municipal "National Pollutant Discharge Elimination System (NPDES) Permit," which the City of Monterey Park is a permittee, this project involves the disturbance of soils by grading, clearing and/or excavation. Developer/owner is required to obtain a "General Construction Activity Storm Water" Permit, and the City of Monterey Park will condition the grading permits on evidence of compliance with this permit and its requirements. Compliance information is available in the Office of the City Engineer. Upon approval of the NPDES document by the City, the Developer/Owner must submit an electronic copy of the approved NPDES file, including site drawings, before

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the City issues a building or grading permit (the electronic copy requirement pertains to projects greater than one acre).

43. The developer/owner is responsible for ascertaining and paying all City development fees such as, without limitation, sewer deficiency fees, water meter fees and metered water service impact fees as required by the MPMC. This condition also serves as notice pursuant to Government Code § 66020(d) that the City of Monterey Park is imposing impact fees ("DIFs") upon the project in accordance with the Mitigation Fee Act (Government Code § 66000, et seq.) and the MPMC. The applicant is informed that it may protest DIFs in accordance with Government Code § 66020.
44. All improvement plans, including grading and public improvement plans must be prepared in accordance with City approved data. Benchmark references to be obtained from the Engineering Division.
45. A water plan must be submitted for review and approval by the City Engineer. This plan must substantiate adequate water service for domestic flow, fire flow and identify backflow prevention. If current fire flow and pressure tests are not available to substantiate adequate pressure and flow to serve the development, the developer will be responsible for conducting the appropriate tests and submitting copies of the test results for review and ultimate approval by the City.
46. Water Division requirements must be determined upon completion and submittal of a water meter sizing sheet by the applicant. This may include up sizing of water meter and water services. All upgrading costs are the responsibility of the property owner and must be completed before the City approves grading and drainage plans.
47. The applicant must provide survey monuments denoting the new property boundaries and lot lines to the satisfaction of the City Engineer. All maps must be prepared from a field survey. Compiled maps will not be permitted unless prior approval is granted by the City Engineer. Whenever possible, lot lines must be located to coincide with the top of all man-made slopes. Any deviation from this requirement must be approved by the City Engineer.
48. A site drainage plan must be prepared for review and approval by the City Engineer. The property drainage must be designed so that the property drains to the public street or in a manner otherwise acceptable to the City Engineer. A hydrology and hydraulic study of the site may be required for submittal to the City Engineer for review and approval.
49. All storm drainage facilities serving the development must accommodate a 50 year storm. If existing storm drain facilities are inadequate they must be enlarged as necessary. All storm drain facilities must be designed and constructed to Los

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Angeles County Department of Public Works standards and specifications and also to the satisfaction of the City Engineer before the City approves grading and drainage plans.

50. Any damage done to existing street improvements and utilities during construction must be repaired before acceptance of the project. Pre-existing damaged, deteriorated, substandard or off-curb curb, gutter, driveways and sidewalk must also be repaired or replaced to the satisfaction of the City Engineer. All existing driveways, if not to be used, must be removed and replaced with curb and sidewalk. Sidewalk must be full parkway width.
51. All public works improvements must comply with the standards and specifications of the City and to the satisfaction of the City Engineer.
52. All electric, telephone and cable TV utility services must be fully installed underground and to required City standards. Satisfactory provisions for all other utilities and service connections, including water, sewer and gas, must be made to City and public utility standards. A utility plan must be prepared and submitted before the City approves grading and drainage plans, showing all existing and proposed utilities. The utilities may be shown on either a separate plan or on the proposed site plan.
53. A sewer connection reconstruction fee will be assessed at the time the City issues a building permit pursuant to MPMC Chapter 14.06.
54. Provide an irrevocable offer of dedication for 5 feet of real property along Atlantic Boulevard frontage for street and public utility purposes per Ordinance No. 1946 and MPMC Chapter 14.16.
55. All buildings must have roof gutters and all roof drainage must be conducted to the public street or an approved drainage facility in a manner approved by the City Engineer before the City approves grading and drainage plans.
56. The grading and drainage plan must be submitted by the first plan check and incorporate all pertinent site development comments from the City's geological and geotechnical consultants and also must include the approved geological and geotechnical report submitted by the developer's consultant.
57. Parkways must be irrigated and landscaped per plans submitted for review and approval by the City Engineer before the first plan check. The need for preserving existing street trees and/or providing additional street trees must be reviewed and approved by the Parks Division.
58. The street lighting plan must be submitted and incorporate all pertinent Planning Division comments.

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59. Submit a complete detailed striping plan. Final conditions and comments cannot be determined until a plan is submitted that is sufficiently complete per MPMC § 21.22.150.
60. The off-site driveway approach must align true and square with the on-site driveway.
61. One-way traffic must have a minimum of 12 feet in width; two-way traffic must have a minimum of 26 feet in width per MPMC Table 21.22(D).
62. Show existing curb markings and street signage fronting the project on plans. MPMC § 21.22.180(B).
63. Provide scaled turning templates for larger vehicles, e.g., sport utility vehicles per MPMC § 21.22.320(A).
64. Each parking stall must have a minimum of 18 feet perpendicular to the stall and 12 feet parallel to the stall, directly adjacent to the rear of the stall, to allow for vehicle maneuverability clearance.
65. The sidewalk, curbs, gutters, and accessible ramps must be per CBC requirements, as adopted by the MPMC.
66. The applicant must provide actual or estimated water and sewer demands for one week (7 days) to the Public Works Director, or designee.

FIRE:

67. The applicant must provide a minimum unobstructed width of 26 feet, except for approved security gates in accordance with California Fire Code ("CFC") § 503.6, as adopted by the MPMC, and an unobstructed vertical clearance "clear to sky" Fire Department vehicular access to within 150 feet of all portions of the exterior building walls pursuant to CFC § 503.2.1, as adopted by the MPMC. Crosshatch the Fire Department vehicle access on the site plan, and label the width. Provide a note that states, "An unobstructed vertical clearance."
68. Dead-end fire apparatus access roads exceeding 150 feet in length must be provided with an approved Fire Department turnaround per CFC § 503.2.5, as adopted by the MPMC. Crosshatch the Fire Department turnaround on the site plan and label the dimensions of the turnaround.
69. When security gates are provided, maintain a minimum access width of 20 feet. The security gate must be provided with an approved means of emergency operation, and must be maintained operational at all times. Electric gate operators, where provided, must be listed in accordance with Underwriters Laboratories (UL) 325. Gates intended for automatic operation must be

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designed, constructed and installed to comply with the requirements of ASTM F220 per the CFC § 503.6, as adopted by the MPMC.

70. Fire Department vehicular access roads must be provided with a 32-foot centerline turning radius, per the CFC § 503.2.4, as adopted by the MPMC. Indicate the centerline, inside and outside turning radii for each change in direction on the site plan.
71. Provide approved signs or other approved notices or markings that include the words NO PARKING - FIRE LANE. Signs must be provided for fire apparatus access roads, to clearly indicate the entrance to such road, or prohibit the obstruction thereof, as required by the Fire Inspector per the CFC § 503.3, as adopted by the MPMC.
72. Fire Department vehicular access roads must be hardscape all weather access in accordance with the Department's All Weather Access requirements per CFC § 503.2.3. Provide note on site plan and label the surface type for the access road on the site plan.
73. Fire Department vehicular access roads must be installed and maintained in a serviceable manner prior to and during the time of construction per CFC § 501.4.
74. A minimum of 5 foot wide approved firefighter access walkway leading from the fire apparatus access road to the building's exterior openings must be provided for fire fighting and rescue purposes per CFC § 504.1, as adopted by the MPMC. Show the firefighter walkway access routes on the site plan and label the required width.
75. Fire apparatus access roads must be identified with approved signs. Temporary signs must be installed at each street intersection when construction of new roadway allows passage by vehicles. Signs must be of an approved size, weather resistant and be maintained until replaced by permanent signs per CFC § 505.2. Provide note on site plan.
76. 2013 CFC Table B105 will determine the required fire flow from fire hydrants at this location based on type of construction and occupancy classification. Plan submittal must include fire flow test data to be obtained within one year of the submittal date. The fire flow test can be requested at the Fire Prevention office. Provide flow test form upon re-submittal of plan.
77. Show all existing public fire hydrants within 250 feet of the lot frontage on both sides of the street. Specify size of fire hydrants(s) and dimensions(s) to property lines. Additional fire hydrant requirements may be necessary after this information is provided per CFC § C105.2.2, as adopted by the MPMC. Show the size and locations of all existing fire hydrants on site plan.

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78. All fire hydrants must measure 6" x 4" x 2-1/2", brass or bronze, conforming to American Water Works Association Standard C503, or approved equal; and must be installed in compliance with CFC § 507.5, as adopted by the MPMC. Provide note on site plan.
79. Provide an approved Class I standpipe system in all stairwells on all levels including the roof. A minimum of two standpipe outlets must be available on all levels, as set forth by CBC and CFC § 905.3.1.
80. Provide an approved automatic fire sprinkler system and fire alarm as set forth by the CFC §§ 903 and 907. The fire alarm system annunciator must be located in the main lobby at an approved location, as set forth by NFPA 72 10.16.3.
81. Provide smoke alarms in each room for sleeping purposes and at a point centrally located in the corridor or area giving access to each separate sleeping area. Smoke alarms must be installed in accordance with the manufacturers' instructions. Indicate the smoke alarms locations on plans per the CFC § 907.2.11.1, as adopted by the MPMC.
82. Smoke dampers must be provided whenever ducts penetrate smoke barriers and elevator lobbies as set forth by the CBC. Fire dampers must be provided whenever ducts penetrate the ceiling of fire-resistive floor-ceiling or roof-ceiling assemblies, an atrium enclosure element, or areas of refuge. In addition, the building exterior must have protected opening as set forth by the CBC Chapter 7. Identify smoke/fire dampers per the CBC § 716.4, as adopted by the MPMC.
83. Provide approved stairway identification signs located approximately 5-feet above the floor landing, at each floor level, and in all enclosed stairways in buildings three or more stories in height. Provide stairway identification signs for review and approval by the Fire Department per the CFC §§ 1022.8 and 1022.8.1, as adopted by the MPMC.
84. Provide illuminated exit signs when two or more exits are required from a room or an area. Exit signs must be readily available from any direction of approach and must be located as necessary to clearly indicate the direction of egress travel. No point can be more than 100 feet from the nearest visible exit sign. Indicate all exit sign locations on plans per the CFC § 1011, as adopted by the MPMC.
85. Low-level exit signs are required in all interior rated corridors and areas serving guest rooms of Group R, Division 1 Occupancies. Indicate all floor-level exit sign location on plans per the CFC § 1011.6, as adopted by the MPMC.
86. All required permits must be obtained from the Fire Department before engaging on activities, operations, practices or functions as indicated in Fire Code § 105.6 and 105.7, as adopted by the MPMC.

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87. Fire protection, including fire apparatus access roads and water supplies for fire hydrant must be installed and made serviceable before and during the time of construction per the CFC § 501.4, as adopted by the MPMC.
88. All fire safeguards required by CFC Chapter 33 must be adhered to and maintained during the course of construction.
89. Emergency responder radio coverage must be provided per the CFC § 510.1 and MPMC § 17.02.110.
90. Since the building height exceeds 30 feet in height, a dedicated ladder truck access road is required on the west side of the structure. The minimum unobstructed width must be 26 feet and be at least 15 feet, but not further than 30 feet, from the west side of the building. Any proposed vegetation cannot exceed 13 feet 6 inches in height and must not encroach unto the access road, per the CFC Appendix D105.1.
91. Building height and area must be determined by the CBC Table 503. Per CBC §§ 504.2 and 506.3, installation of an automatic fire sprinkler system in an R-1 occupancy will allow either an increase in stories/height or allowable floor area but not both.
92. East and west stairwells must be a minimum 2-hour rated and must be provided from all levels, as required per CBC § 1009.3.1.
93. A minimum of one rated stairwell must extend to the roof per the CFC § 504.3, as adopted by the MPMC.
94. Knox boxes must be provided adjacent to all exit stairwell exterior doors at approved locations. A Knox box must also be provided adjacent to the main entrance at an approved location per the CFC § 506.1, as adopted by the MPMC. The Knox box application form can be obtained from the Monterey Park Fire Department at 320 W. Newmark Avenue.
95. An approved grease interceptor is required for all new restaurants in the City of Monterey Park. The grease interceptor must be designed and constructed in accordance to the County of Los Angeles, Department of Public Works Standard Plan No. 2046-0 or other design specifically approved by the Environmental Programs Division. Indicate the type of grease interceptor and the installation location. The property owner must be responsible for maintenance of the grease interceptor and submit quarterly manifest reports to the fire department for review.
96. Proposed kitchen must require a Type I hood and duct systems complying with Mechanical Code Chapter 5.

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97. The kitchen hood must be provided with an approved automatic fire extinguishing system. The system must be interconnected to the building fire alarm system, as set forth by CFC § 904.2.1, as adopted by the MPMC.
98. Carbon monoxide alarms must be provided either within all sleeping units per CBC § 420.4, as adopted by the MPMC.
99. Guest rooms designated as accessible by the Building Department must be provided with visible alarm notification appliances per the CFC § 907.5.2.3.3, as adopted by the MPMC.
100. Every guest room must have clearly visible emergency procedures information printed on a floor plan representative of the floor level and posted on the interior of each entrance door per the CFC § 404.7.2, as adopted by the MPMC.
101. Emergency procedures information printed on a floor plan must be posted at every stairway landing, at every elevator landing, and immediately inside all public entrance to the building per the CFC § 404.7.3.1, as adopted by the MPMC.
102. A minimum of one elevator providing general stretcher dimensions and extending to the top floor must be provided per the CBC § 3002.4a, as adopted by the MPMC.
103. An approved number or address must be provided on the building frontage in such a position as to be plainly visible and legible from the street or road fronting the property. Numbers must be a minimum of 6-inch high by ½-inch stroke and be a contrasting background per the CFC § 505.1, as adopted by the MPMC.
104. The suite address designation shall be installed on or near all exterior doors of the suite in 3-inch high numbers or letters on a contrasting background per CFC § 505.1, as adopted by the MPMC.
105. Air-moving systems (i.e., HVAC) supplying air in excess of 2,000 CFM to enclosed spaces within buildings must be equipped with automatic shut-off. When required, duct smoke detectors must be installed in the main supply-air duct served by such equipment and interconnected to the fire alarm (if the building is equipped with a fire alarm). A separate plan submittal and permit is required for the alarm work per the 2013 CMC § 609, as adopted by the MPMC.
106. Portable fire extinguishers must be installed per CFC § 906. Start the placement of the fire extinguisher near the main exit door. Mount the fire extinguisher in a visible and accessible location, 3 to 5 feet above the finished floor to the handle. Not more than 5 feet above the finished floor for extinguishers weighing 40 pounds or less and not more than 3 to 5 feet above the floor for extinguishers

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weighing more than 40 pounds. Building with multiple floors must have at least one fire extinguisher per floor.

107. All doors designated as exits, except for the main entrance in Group A with less than 300 persons, B, F, M, and S occupancies and in all churches, must be equipped with common knowledge lever type, single action hardware, unless panic hardware is specifically required per the CFC § 1008.1.9, as adopted by the MPMC.
108. Emergency illumination for all egress paths on all levels and stairwells is required. If emergency illumination is existing and/or required, additional fixtures may be required to be installed (verify the requirements with the plans). The lighting must provide a minimum of one-foot candle at the floor level throughout the exit path. Testing of the fixtures will be required during the final inspection. The Fire Inspector may request a nighttime test at his/her discretion to confirm the minimum requirement of one-foot candle at floor level per the CFC § 1006, adopted by the MPMC.
109. Any room having an occupant load of 50 or more where fixed seats are not installed, and which is used for assembly purposes, must have the capacity of the room posted in a conspicuous place on an approved sign near the main exit from the room, per the CFC § 1004.3, as adopted by the MPMC.
110. Contractor's statement of compliance. Before requesting final approval of the installation of fire protection systems and appurtenances, the installing contractor must furnish a written statement to the Fire Inspector that the subject fire protection system has been installed in accordance with approved plans and has been tested in accordance with the manufacturer's specifications and the appropriate installation standard. Any deviations from the design standard must be noted and copies of the approvals for such deviations must be attached to the written statement per CFC § 901.2.1, as adopted by the MPMC.
111. The owner of the protected premises will be responsible for all annual inspection, testing, and maintenance for all fire protection systems and their appurtenances within the protected premises in accordance to their referenced national standards and submit said reports annually to the fire department one year after commissioning of each system. The fire department will review the annual reports that will be subject to a fee for review and inspections as deemed required by the Fire Chief per CFC § 901.1.1.
112. Provide a parking space clearly labeled and reserved for "Fire Vehicles" on the ground floor. This parking space must be located within close proximity of the business. The location of the parking space is subject to the approval of the Fire Chief.

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113. An on-site Fire Inspector may be required for this project at no expense to the jurisdiction for the duration of the project construction as determined by the Fire Chief. The on-site inspector must be approved by the Fire Chief.
114. A building and egress analysis report of the applicable portions of the CBC and CFC must be prepared by a qualified and licensed professional. The report will bear the stamp of a registered design professional to analyze the fire safety properties of the design, operation, or use of the building or premise and the facilities and appurtenances for review by the fire code official without charge to the jurisdiction per the CFC § 104.7.2, as adopted by the MPMC.
115. If “as-built” plans are required, additional fees will be due for the review of the drawings.
116. Fire/Smoke dampers, when required, must be interconnected to the Fire Alarm (if the building is equipped with a fire alarm system). A separate plan submittal and permit is required for the alarm work as per the CFC § 901.2.1, as adopted by the MPMC.
117. Fire department access roads and portable fire extinguishers must be provided and maintained during construction, alternation or demolition of a building per the CFC §§ 1410.1 and 1415, as adopted by the MPMC.
118. Markings of fire apparatus access roads and approved signs must be provided to indentify such roads and prohibits the obstruction thereof or both that include the words NO PARKING – FIRE LANE per CFC § 503.3, as adopted by the MPMC.
119. Light Hazard Occupancies (offices, classrooms, churches, assembly rooms, residential, etc.) required “2A10BC fire extinguishers. The maximum coverage area is 6,000 square feet per extinguisher and the maximum travel distance cannot exceed 75 feet.
120. Ordinary Hazard Occupancies (parking garages, retail, light manufacturing factories, warehouse without high-piled storage, etc.) require “3A40BC” fire extinguishers. The maximum coverage area is 4,500 square feet per extinguishers and the maximum travel distance cannot exceed 75 feet.
121. High Hazard Occupancies (auto repair, warehouse with high-piled combustible storage, flammable liquid usage, etc.) require “4A60BC” fire extinguishers. The maximum coverage area is 4,000 square feet per extinguisher and the maximum travel distance cannot exceed 50 feet.
122. Commercial Kitchens require a fire extinguisher listed and labeled for Class K fires to be provided within 30 feet of travel distance to commercial food heat-processing equipment.

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123. A readily visible and durable sign shall be provided above the main entrance door stating: "THIS DOOR TO REMAIN UNLOCKED WHILE BUILDING IS OCCUPIED" in occupancy Group A having an occupant load of 300 or less, Groups B, F, M and S and in places of religious worship, must be equipped with common knowledge lever type, single action hardware, unless panic hardware is specifically required per the CFC § 1008.1.9.3, as adopted by the MPMC.
124. All doors designated as exits, except for the main entrance in Group A with less than 300 persons, B, F, M, and S occupancies and in all churches, must be equipped with common knowledge lever type, single action hardware, unless panic hardware is specifically required per the CFC § 1008.1.9, as adopted by the MPMC.
125. Additional exit signs may be required at the time of final inspection, if the ones provided do not meet the intent of CFC per CFC § 1011.1, as adopted by the MPMC.
126. High-rise buildings having occupied floors locate more than 75 feet above the lowest level of fire department vehicle access must comply with CFC §§ 914.3.1 through 941.3.6 as follows: automatic sprinkler system. Water supply to fire pumps, fire alarm system, automatic smoke detection, emergency voice/alarm communications system, emergency radio coverage, and fire command center.
127. In addition to the main water supply, a secondary on-site supply of water equal to the hydraulically calculated sprinkler design plus 100 gallons per minute additional for the total standpipe system must be provided. This supply must be automatically available if the principal supply fails and must have a duration of 30 minutes per CFC § 903.3.5.2, as adopted by the MPMC.
128. Provide an approved standpipe system. Complete plans and specifications for the standpipe system must be submitted for review and approval before system installation, as set forth by CBC and CFC § 905.3.1.
129. Provide an approved automatic fire sprinkler system as set forth by the California Building Code § 903 and CFC § 903. The Fire Department must approve plans before fire sprinkler installation. Any fire sprinkler system installation or modification requires a separate plan check submittal and approval. Inspection of the rough piping must be performed before being concealed. Ceiling tiles and/or dry wall cannot be installed unless approved by the Fire Inspector per CFC § 901.2, as adopted by the MPMC.
130. Any fire alarm and/or fire sprinkler system monitoring installation or modification requires a separate plan check submittal and approval. Inspection of the system must be performed and tested before operation per CFC § 907.1.1, as adopted by the MPMC.

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131. Other fire protection systems and appurtenances (e.g., commercial cooking operations for hood fire suppression, underground fire line, standby power systems, FM-200) installation or modification require a separate plan check submittal and approval. Inspection of the system must be performed and subject to acceptance tests before operation per the CFC § 904.1, as adopted by the MPMC.
132. An emergency voice alarm-signaling system must be provided. The system must be designed and installed in accordance with the CBC and NFPA 72 per CFC § 907.2.13 and 914.3.3.
133. A two-way, approved fire department communication system must be provided for fire department use. It must operate between the main control room and elevators, elevator lobbies, emergency and standby power rooms and at entries into enclosed stairways per the CFC §§ 907.2.13.2 and 914.3.4, as adopted by the MPMC.
134. Provide a minimum of one standpipe system for use during construction. Such standpipe shall be installed when the progress of construction is not more than 40 feet in height above the lowest level of fire department access per the CFC § 1413, as adopted by the MPMC.

POLICE:

135. Adequate exterior lighting must be provided so that all outside perimeter areas shall be visible from the street and any exterior corners of the building during the hours of darkness. At all times, all hallways, all stairwells, and any garage/carport, guest parking areas and parking entrances shall be well lit to deter any criminal activity. There must also be adequate lighting in all common areas of the facility. Lighting must be at the intensity of 5-foot candle (fc) at building entrances and 1 (fc) at building surround; paths and steps at 1 (fc) and gardens (landscaping) at 0.5 (fc).
136. The applicant/property owner must install an adequate alarm system in the hotel office, hotel front desk area, and any fixed money handling areas. The alarm system will be a deterrent to criminal activity, and allow notification of the Police Department in the event of any such attempt. The type of alarm system installed must be connected with an alarm company and the system must capable of distinguishing whether the need for the police service is for a robbery or burglary. The hotel must obtain an alarm permit from the Police Department.
137. The Chief of Police may at any time require uniformed security guard(s) to be on the premises during all, or specific, hours of the day. If guard(s) is required, the guard(s) must possess the capability to electronically communicate with other guards on the premises or front desk personnel in case there is a need to report

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suspicious or criminal activity. Once the communicated information is received, the activity must be reported to the Monterey Park Police Department. The guard(s) must patrol all common open areas of the motel/hotel, including any garage/carport, parking lot, hallways, lobby area, banquet/meeting rooms, bar and pool area (if applicable). If the security guard service is required by the Chief of Police, the motel/hotel management must change the guard service within five calendar days of the demand for change by the Police Chief. This change will be based on performance evaluation of the guard(s) service by the Police Chief. The Chief of Police's demand for security guard(s) change will be based on crime incidents, types of calls, or number of calls for police service. A change in guard service can also be based on any lack of cooperation with the Monterey Park Police Department on the part of the guard service.

138. At any time, if the Chief of Police finds that the number of guards on duty is inadequate in addressing the safety concerns of the hotel/motel and the community, the Police Chief can demand extra guards be placed on duty. This demand will be based on police incidents or calls for service. Once the hotel/motel management is notified of the request for change in number of security guard(s), hotel/motel management must fulfill the request within 48 hours.
139. The hotel must have a video surveillance system, which will capture images in all fixed money handling areas, lobby, and front door areas. The property management must also maintain a video surveillance system that monitors all areas of the parking lot and common areas that are open to the public. The video must be operational 24 hours a day, seven days a week. All surveillance cameras must record onto a videotape or recording medium. All videotapes or recording medium must be kept on file for thirty (30) calendar days, and when requested, the videotapes or recording medium must be immediately given to police personnel for official investigations. If at any time, it is determined that the video equipment does not meet the needs of the Police Department, additional cameras must be installed or positions of cameras shall be changed. Each business or the property management must comply within 5 calendar days after the Police Department's request.
140. The shrubbery on the property must be installed and maintained in such condition to permit good visibility of the facility from the street.
141. The hotel must keep a record of all people renting rooms from the hotel. At a minimum, the following information must be obtained: Name, driver's license/identification card number, and make, year and license plate of vehicle (if applicable). This information must be made available to any peace officer, upon demand.

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142. The hotel owner(s) is responsible for any type of public nuisance occurring on the premises, i.e. graffiti, gang activity, prostitution activity, or public drunkenness.
143. The hotel/business/restaurant must comply with federal, state, and local laws governing business licensing, noise levels, alcohol sales and consumption. The hotel/business/restaurant must obtain the appropriate license(s) from the regulating agency in order to conduct business in the City of Monterey Park.
144. Food must be served at all hours that the restaurant is open for business.
145. The quarterly gross sales of alcoholic beverages cannot exceed the gross sales of food during the same period.

By signing this document, the authorized representative 220 Hotel Atlantic, LLC, Yung Kao, certifies that the he or she has read, understood, and agrees to the Project Conditions listed in this document.

220 Hotel Atlantic, LLC, Yung Kao Applicant



Planning Commission Staff Report

DATE: January 27, 2015

AGENDA ITEM NO: 2-A

TO: The Planning Commission
FROM: Michael A. Huntley, Community and Economic Development Director
SUBJECT: Public Hearing regarding modification of an approved Precise Plan (PP-13-01) to allow the construction of a mixed-use development in the R-S, P-D (Regional Specialty, Planned Development) Zone (MPP-15-01).

RECOMMENDATION:

It is recommended that the Planning Commission consider:

- (1) Opening the public hearing;
- (2) Receiving documentary and testimonial evidence;
- (3) Closing the public hearing;
- (4) Adopt Resolution no. _____ approving Modification to Precise Plan (PP-13-01) (MPP-15-01), subject to conditions contained therein; and
- (5) Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

The applicant, M&A Gabee, LP, is requesting modification of an approved Precise Plan to construct a new mixed-use development at 808 West Garvey Avenue. The subject property is located on the southwest corner of West Garvey Avenue and South Atlantic Boulevard. The property is zoned R-S, P-D (Regional Specialty, Planned Development) and the General Plan designation is Mixed-Use I. The request is to modify several items in the Precise Plan, including 1) increasing the project site area; 2) decreasing the building height; and 3) increasing the number of tandem parking with valet service.

Staff believes the proposed modification are reasonable since additional land has been acquired, which has allowed the developer to make several improvements to the project design, including decreasing the building height, decreasing the amount of grading to the site, and improving on the internal circulation. The proposed modifications are minor. In fact, the modifications will decrease the project impacts on the site and to the adjacent properties. Therefore, additional environmental review will not be required.

Precise Plan

The P-D Overlay District is intended to provide design flexibility in achieving the purpose and intent of other base zoning districts with which it is combined per Monterey Park Municipal Code ("MPMC") § 21.14.020. Application of the P-D Overlay District is intended to assist in achieving consistency with the policy and intent of the General Plan

by allowing flexibility in site design where superior quality attainment can be enhanced by such flexibility. According to MPMC § 21.14.150, a Precise Plan requires a public hearing before the Planning Commission can consider making the findings to approve it. The Monterey Park Hotel Precise Plan was approved by the Planning Commission on March 13, 2014.

The approved project is 7 stories (75 feet) tall and 192,385 square feet in size. The project will have two-levels of restaurant and commercial uses, five levels of hotel rooms and apartment units, and one level of subterranean parking and three levels of above grade parking. The project includes 148 hotel rooms, 98 residential apartment units and 444 parking spaces.

According to the approved Precise Plan, modifications pertaining to the project may be granted by the Planning Commission for special circumstances and/or unique architectural features. Requests for the Precise Plan modification of conditions on the project approval may include, without limitation: building height, setbacks, parking, landscapes, signs, lighting, and/or any other design standards that apply to the project. Such requests may be considered administratively by the Director of Community Development providing they do not vary from the standard in excess of 10 percent. In this case, the modifications are significant enough that the Planning Commission should review the changes.

The Planning Commission may approve the request for the precise plan modification in whole or in part upon making the following findings regarding the project:

- **Improvements** – Promotes better design, environmental and land planning techniques.
- **Safety** – Development of the project cannot be detrimental to the general health, welfare, safety and convenience of the community.
- **Consistency** – Development must be consistent with the goals and policies of the General Plan, and comply with applicable law, as well as be consistent with objectives of achieving a project that is compatible with the surrounding environment.

The revised Precise Plan is attached with the proposed modifications as discussed above.

Modification #1 – Increased Size of Project Site

At the March 13, 2014 Planning Commission meeting, the property owner of the adjacent residential lot to the west expressed interest in selling his property to the project developer. The developer acquired the property in December 2014. This allowed the developer to redesign the parking levels to improve the internal circulation of the project, reduce the amount of grade cut and fill, which will reduce the construction site impacts, reduce the construction timeline, and increase the privacy of the courtyard area around the swimming pool.

The adjacent residential property is 40 feet wide and 150 feet deep, totaling 6,000 square feet in area. The property is currently developed with a 1,284 square feet, one-story single-family dwelling with a detached 2-car garage constructed in 1929. All the buildings on the residential lot will eventually be demolished as part of the project.

The project site was originally comprised of seven separate parcels totaling 85,531 square feet (1.96 acres). All seven properties are currently vacant. With the newly acquired residential lot, the project site will be comprised of eight parcels and will increase to 91,531 square feet (2.1 acres) in size.

Modification #2 – Decreased Building Height

The overall building height will be reduced from 74.8 feet to 70.3 feet. The redesign of the parking levels allowed the podium height to be reduced by 4 feet and the roof parapet wall height was slightly reduced by 0.5 feet.

Modification #3 – Tandem Parking with Valet Service

As described in the Supplemental Review Letter to the Traffic Impact Study, the new parking configuration does not produce additional impacts to the roadways. The increase and decrease in traffic, as shown in the trip generation table, is minimal. No further traffic analysis would need to be conducted.

The new plan will continue to provide 444 on-site parking stalls. The Urban Land Institute (ULI) shared parking calculations was re-analyzed based on the new precise plan. The peak parking demand expected for the site is 432 spaces, which is 12 spaces less than the number of parking spaces provided. Therefore, it is expected that the proposed development would have sufficient parking to accommodate the peak demand.

The new site plan does include an increase in the number of tandem parking spaces. According to MPMC § 21.22.340, tandem parking is allowed with a conditional use permit. Tandem parking is limited to two spaces located one behind the other where one space is accessible at all times. Valet/attendant parking must be provided at all hours of operation of the commercial project to serve the tandem parking area. A special valet/attendant parking plan must be provided in conjunction with tandem parking and is subject to approval as part of the conditional use permit based upon the review and recommendation of the City Engineer. The plan must detail the valet operation, and the minimum number of attendants to be present during the various hours of business operations. The Valet/Attendant Parking Plan must be submitted at the time construction drawings are submitted for plan check. The proposed tandem parking will comply with MPMC § 21.22.340.

OTHER ITEMS:

Legal Notification:

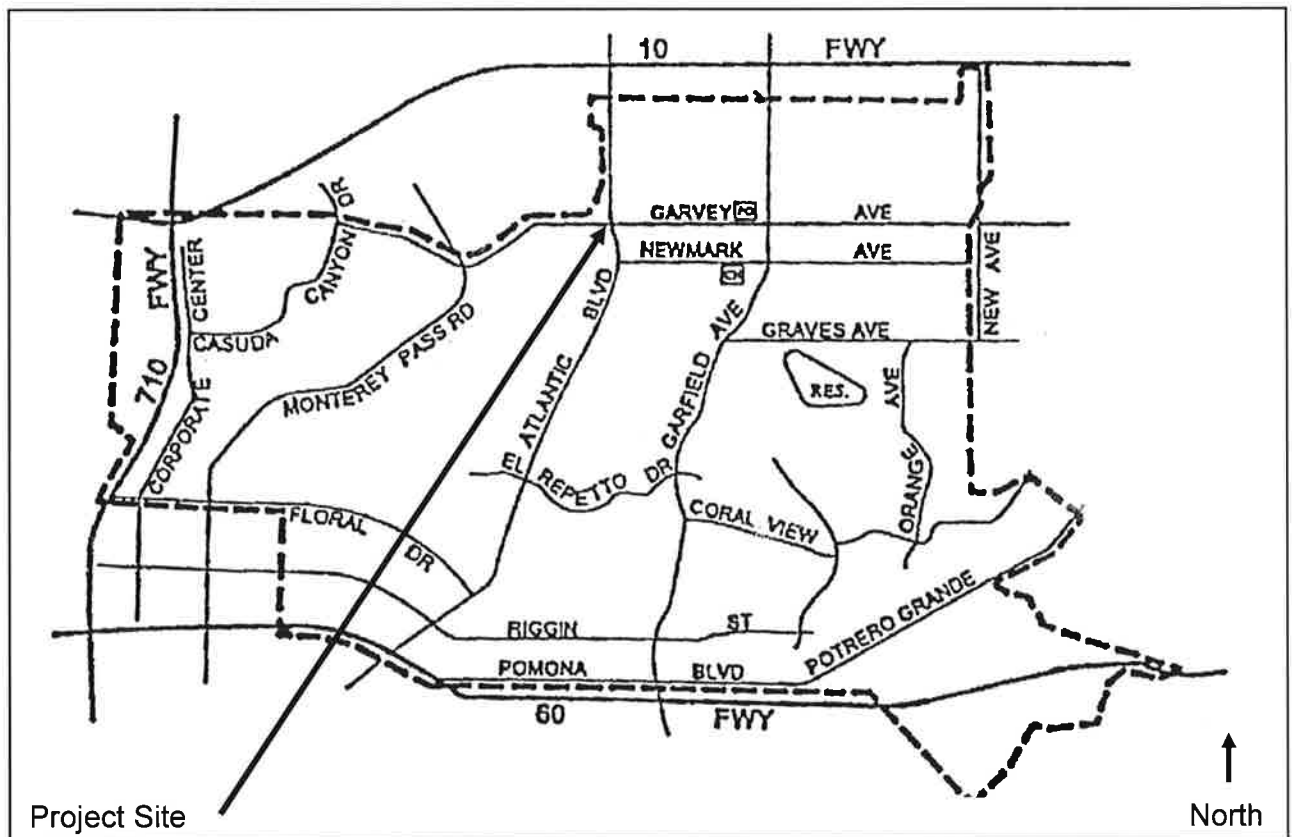
The legal notice of this hearing was posted at the subject site, City Hall, Monterey Park Bruggemeyer Library, and Langley Center on **January 12, 2015** and published in the

Monterey Park Progress on **January 22, 2015**, with affidavits of posting and publication on file. The legal notice of this hearing was mailed to **174** property owners within a 300 feet radius and current tenants of the property concerned on **January 12, 2015**.

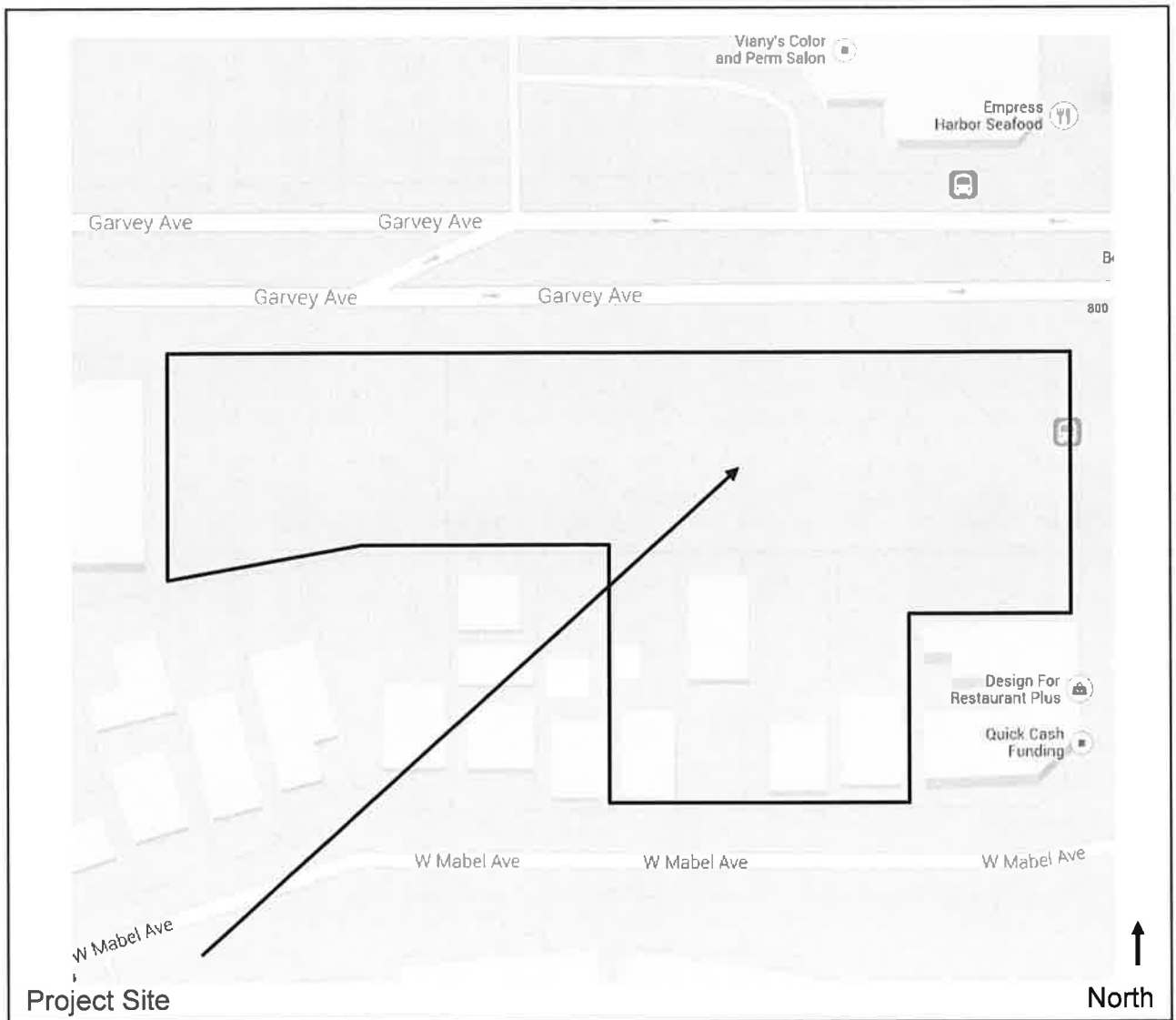
Environmental Assessment:

The CEQA Guidelines provide that if a project is proposed which is the subject of a previous environmental document and the City finds that no new effects could occur or new mitigation measures would be required, the City can approve the activity as being within the scope of the project covered by the previous environmental document and no new environmental document would be required (see, e.g., CEQA Guidelines § 15168). As set forth in attached Exhibit "B," which is incorporated by reference, the Planning Commission finds that the Project is consistent with the approved project and the environmental analysis set forth in the 2014 MND. Consequently, a new environmental document is not required. Specifically, the Project will not result in any new environmental effects or require additional mitigation measures. Accordingly, the Project will not result in any additional development beyond that anticipated in the 2014 MND.

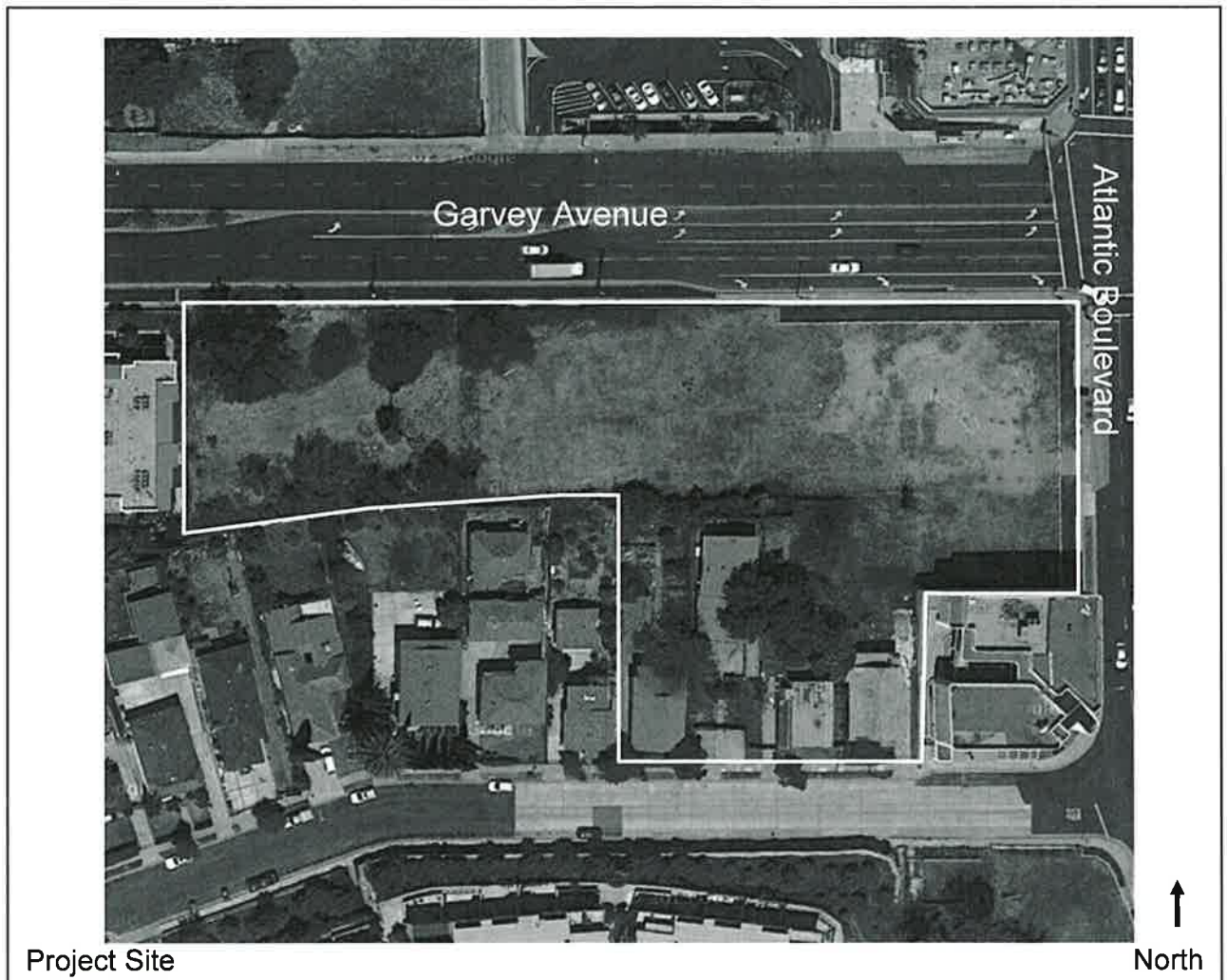
Vicinity Map:



Street Map:



Aerial Map:



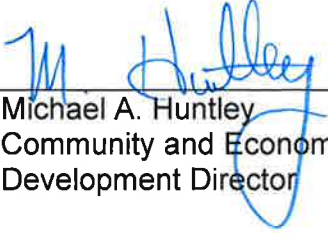
ALTERNATIVE COMMISSION CONSIDERATIONS:

None.

FISCAL IMPACT:

No fiscal impacts.

Respectfully submitted by:



Michael A. Huntley
Community and Economic
Development Director

Prepared by:



Samantha Tewasart
Senior Planner

Reviewed by:



Karl H. Berger
Assistant City Attorney

ATTACHMENTS:

- Exhibit A: Draft Resolution
- Exhibit B: Finding of Consistency
- Exhibit C: Monterey Park Traffic Impact Study – Supplemental Review Letter
- Exhibit D: Revised Precise Plan January 2015
- Exhibit E: Architectural plans

EXHIBIT A

Draft Resolution

RESOLUTION NO.

A RESOLUTION APPROVING MODIFICATIONS TO PRECISE PLAN NO. PP-13-01 (MPP-15-01) FOR THE CONSTRUCTION A NEW MIXED-USE DEVELOPMENT AT 808 WEST GARVEY AVENUE.

The Planning Commission of the City of Monterey Park does resolve as follows:

SECTION 1: The Planning Commission finds and declares that:

- A. On December 17, 2014, M&A Gabee, LP submitted an application pursuant to Title 21 of the Monterey Park Municipal Code ("MPMC") requesting modification to an approved Precise Plan (PP-13-01) for constructing a new mixed-use development at 808 West Garvey Avenue ("Project");
- B. The proposed Project was reviewed by the Community and Economic Development Department for, in part, consistency with the General Plan and conformity with the MPMC;
- C. In addition, the City reviewed the Project's environmental impacts under the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, "CEQA") and the regulations promulgated thereunder (14 California Code of Regulations §§ 15000, *et seq.*, the "CEQA Guidelines");
- D. The Community and Economic Development Department completed its review and scheduled a public hearing regarding the proposed Project, before the Planning Commission for January 27, 2015. Notice of the public hearing on the proposed Project was posted and mailed as required by the MPMC;
- E. On January 27, 2015, the Planning Commission held a public hearing to receive public testimony and other evidence regarding the proposed Project, including, without limitation, information provided to the Planning Commission by City staff and public testimony, and the applicant's representatives; and
- F. This Resolution and its findings are made based upon the testimony and evidence presented to the Commission at its January 27, 2015 hearing including, without limitation, the staff report submitted by the Community and Economic Development Department.

SECTION 2: *Factual Findings and Conclusions.* The Planning Commission finds that the following facts exist and makes the following conclusions:

- A. The Applicant seeks to modify an approved Precise Plan (PP-13-01) to construct a new 7 stories, 70.3 feet tall and 192,385 square feet mixed-use development. The project will have two-levels of restaurant and commercial uses; five levels of hotel rooms and apartment units; one level of subterranean parking; and three levels of above grade parking. The Project includes 148 hotel rooms, 98 residential apartment units and 444 parking spaces;

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- B. 808 West Garvey Avenue is zoned R-S, P-D (Regional Specialty, Planned Development) and the General Plan designation is Mixed-Use I;
- C. The Project property is located on the southwest corner of Garvey Avenue and Atlantic Boulevard. To the north of the property are West Garvey Avenue, R-S (Regional Specialty) zoned lots, and R-1 (Single-Family Residential) zoned lots located in the City of Alhambra, south are R-2 zoned lots, west are R-3 (High Density Residential) zoned lots, and east are South Atlantic Boulevard and a Valero Service Station; and
- D. At the March 13, 2014 Planning Commission meeting, the property owner of the adjacent residential lot to the west, expressed interest in selling his property to the project developer. The developer acquired the property in December 2014.
- E. The project site was originally comprised of seven separate parcels totaling 85,531 square feet (1.96 acres) in size. The separate parcels will be merged by document. All seven properties are currently vacant. With the newly acquired residential lot, the project site will be comprised of eight parcels and will increase to 91,531 square feet (2.1 acres) in size.

SECTION 3: *Environmental Assessment.*

- A. On March 13, 2014, the Planning Commission adopted a mitigated negative declaration ("MND") for the existing Precise Plan through Resolution No. 09-14. That Resolution properly assesses the environmental impacts of the Project in accordance with CEQA. That Resolution, and its findings, are incorporated by reference into this Resolution as if fully set forth.
- B. The CEQA Guidelines provide that if a project is proposed which is the subject of a previous environmental document and the City finds that no new effects could occur or new mitigation measures would be required, the City can approve the activity as being within the scope of the project covered by the previous environmental document and no new environmental document would be required (see, e.g., CEQA Guidelines § 15168). As set forth in attached Exhibit "B," which is incorporated by reference, the Planning Commission finds that the Project is consistent with the approved project and the environmental analysis set forth in the 2014 MND. Consequently, a new environmental document is not required. Specifically, the Project will not result in any new environmental effects or require additional mitigation measures. Accordingly, the Project will not result in any additional development beyond that anticipated in the 2014 MND.

SECTION 4: *Modification to Precise Plan Findings.* The Commission finds as follows pursuant to Government Code § 65451 and MPMC Title 21:

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- A. The proposed modifications promote better design, environmental and land planning techniques.

The proposed modifications include the following: 1) increasing the project site area; 2) decreasing the building height; and 3) increasing the number of tandem parking with valet service. The modifications allow for the improvement of the internal circulation of the project, reduce the amount of grade cut and fill, which will reduce the construction site impacts, reduce the construction timeline, and increase the privacy of the courtyard area around the swimming pool. The overall building height will be reduced from 74.8 feet to 70.3 feet. The redesign of the parking levels allowed the podium height to be reduced by 4 feet and the roof parapet wall height was slightly reduced by 0.5 feet. The new site plan does include an increase in the number of tandem parking spaces. According to MPMC § 21.22.340, tandem parking is allowed with a conditional use permit. The proposed tandem parking complies with MPMC § 21.22.340.

- B. The proposed modifications will not be detrimental to the general health, welfare, safety and convenience of the community.

As described in the Supplemental Review Letter to the Traffic Impact Study, the new parking configuration does not produce additional impacts to the roadways. The increase and decrease in traffic, as shown in the trip generation table, is minimal. No further traffic analysis would need to be conducted.

The new plan will continue to provide 444 on-site parking stalls. The Urban Land Institute (ULI) shared parking calculations has been re-analyzed based on the new development plan. The peak parking demand expected for the site is 432 spaces, which is 12 spaces less than the number of parking spaces provided. Therefore, it is expected that the proposed development would have sufficient parking to accommodate the peak demand.

The proposed modifications will not unreasonably interfere with the use or enjoyment of properties in the vicinity. The project is designed according to the regulations in the P-D Overlay Zone chapter. The P-D Overlay Zone and proposed modifications considers the properties abutting the subject property. The project abuts R-2 (Medium Density Residential) and R-3, S-C-H (High Density Residential, Senior Citizen Housing) zoned properties to the west. Within 14 feet of the western property line, the building will only be 14 feet tall, which is around the height of a single-family dwelling. Also, all the commercial uses will be located towards the corner of Atlantic Boulevard and Garvey Avenue. Only one level of the parking structure and meeting rooms will be located at the western portion of the building.

- C. The proposed modifications are consistent with the goals and policies of the General Plan, and comply with applicable law, as well as be consistent with

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objectives of achieving a project that is compatible with the surrounding environment.

The proposed building and its use are in compliance with the General Plan. The subject property is designated Mixed-Use I (MU-I) in the General Plan. One of the goals of the General Plan (Goal 3.0) is to establish the North Atlantic area as a focal point for diverse retail, entertainment, and hospitality development. The proposed project will be a hospitality development with diverse retail uses. The project is a mixed-use development, which includes 148 hotel rooms and 98 apartment units. There will be two-levels of commercial/restaurant space with five-levels of hotel and apartment units.

SECTION 5: *Actions.* The Planning Commission takes the following actions:

- A. Adopts the modified Precise Plan (PP-13-01) (MPP-15-01) attached as Exhibit "B" in its entirety including, without limitation, the conditions of approval set forth in the attached Exhibit "C," which is incorporated by reference; and
- B. Authorizes the City Manager, or designee, to make non-substantive changes to the Precise Plan, as determined by the City Attorney.

SECTION 6: *Reliance on Record.* Each and every one of the findings and determinations in this Resolution are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the Project. The findings and determinations constitute the independent findings and determinations of the Planning Commission in all respects and are fully and completely supported by substantial evidence in the record as a whole.

SECTION 7: *Limitations.* The Planning Commission's analysis and evaluation of the project is based on the best information currently available. It is inevitable that in evaluating a project that absolute and perfect knowledge of all possible aspects of the project will not exist. One of the major limitations on analysis of the project is the Planning Commission's lack of knowledge of future events. In all instances, best efforts have been made to form accurate assumptions. Somewhat related to this are the limitations on the City's ability to solve what are in effect regional, state, and national problems and issues. The City must work within the political framework within which it exists and with the limitations inherent in that framework.

SECTION 8: *Summaries of Information.* All summaries of information in the findings, which precede this section, are based on the substantial evidence in the record. The absence of any particular fact from any such summary is not an indication that a particular finding is not based in part on that fact.

SECTION 9: This Resolution will become effective immediately upon adoption and remain effective unless superseded by a subsequent resolution.

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SECTION 10: A copy of this Resolution will be mailed to the applicant and to any other person requesting a copy.

SECTION 11: This Resolution may be appealed within nineteen (19) calendar days after its adoption. All appeals must be in writing and filed with the City Clerk within this time period. Failure to file a timely written appeal will constitute a waiver of any right of appeal.

ADOPTED AND APPROVED this 27th day of January 2015.

Chairperson Rodrigo Garcia

I hereby certify that the foregoing Resolution was duly adopted by the Planning Commission of the City of Monterey Park at the regular meeting held on the 27th day of January 2015, by the following vote of the Planning Commission:

AYES:
NOES:
ABSTAIN:
ABSENT:

Michael A. Huntley, Secretary

APPROVED AS TO FORM:
Mark D. Hensley, City Attorney

By:



Karl H. Berger,
Assistant City Attorney

PLANNING COMMISSION RESOLUTION NO.

Exhibit A

CONDITIONS OF APPROVAL

808 WEST GARVEY AVENUE

In addition to all applicable provisions of the Monterey Park Municipal Code ("MPMC"), M&A Gabee, LP agrees that it will comply with the following provisions as conditions for the City of Monterey Park's approval of modification to Precise Plan (PP-13-01) (MPP-15-01) ("Project Conditions").

PLANNING:

1. M&A Gabee, LP (the "Applicant") agrees to indemnify and hold the City harmless from and against any claim, action, damages, costs (including, without limitation, attorney's fees), injuries, or liability, arising from the City's approval of PP-13-01 (MPP-15-01) except for such loss or damage arising from the City's sole negligence or willful misconduct. Should the City be named in any suit, or should any claim be brought against it by suit or otherwise, whether the same be groundless or not, arising out the City approval of PP-13-01 (MPP-15-01), the Applicant agrees to defend the City (at the City's request and with counsel satisfactory to the City) and will indemnify the City for any judgment rendered against it or any sums paid out in settlement or otherwise. For purposes of this section "the City" includes the City of Monterey Park's elected officials, appointed officials, officers, and employees.
2. This approval is for the project as shown on the plans reviewed and approved by the Planning Commission and on file. Before the City issues a building permit, the applicant must submit plans, showing that the project substantially complies with the plans and conditions of approval on file with the Planning and Building Safety Department. Any subsequent modification must be referred to the Director of the Community and Economic Development Department for a determination regarding the need for Planning Commission review and approval of the proposed modification.
3. All conditions of approval must be listed on the plans submitted for plan check and on the plans for which a building permit is issued.
4. Before building permits are issued, the applicant must obtain all the necessary approvals, licenses and permits and pay all the appropriate fees as required by the City.
5. The real property, subject to PP-13-01 (MPP-15-01) must remain well-maintained and free of graffiti; any graffiti must be removed within 24 hours after discovery.
6. Landscaping/irrigation must be maintained in good condition at all times.

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PAGE 2 OF 7**

7. In addition to all applicable provisions of the MPMC, the Applicant must comply with the Mitigation Monitoring and Reporting Program (MMRP) that were prepared as a part of the environmental review for this project and all of the mitigation measures identified therein. The MMRP is incorporated into these conditions by reference.
8. The applicant must install temporary noise barriers to mitigate construction noise to the satisfaction of the Community and Economic Development Director, or designee.
9. Tandem parking is limited to two spaces located one behind the other where one space is accessible at all times. Valet/Attendant parking must be provided at all hours of operation of the commercial project to serve the tandem parking area. A special valet/attendant parking plan must be provided in conjunction with tandem parking. The plan must detail the valet operation, and the minimum number of attendants to be present during the various hours of business operations. The Valet/Attendant Parking Plan must be submitted at the time construction drawings are submitted for plan check.

ENGINEERING:

10. Under the Los Angeles County Municipal "National Pollutant Discharge Elimination System (NPDES) Permit," which the City of Monterey Park is a permittee, this project involves the disturbance of soils by grading, clearing and/or excavation. Developer/owner is required to obtain a "General Construction Activity Storm Water" Permit, and the City of Monterey Park will condition the grading permits on evidence of compliance with this permit and its requirements. Compliance information is available in the Office of the City Engineer. Upon approval of the NPDES document by the City, the Developer/Owner must submit an electronic copy of the approved NPDES file, including site drawings, prior to the issuance of a Building or Grading Permit (the electronic copy requirement pertains to projects greater than an acre.)
11. The 98 residential units are rental only. If the owner decides to sell these residential units in the future, a tentative map must be prepared and all related procedures must be followed. The map must be recorded after approval of the map by the City Engineer and acceptance of required bonds and agreements by the City Council.
12. The developer/owner is responsible for ascertaining and paying all City development fees such as, without limitation, sewer deficiency fees, water meter fees and metered water service impact fees as required by the MPMC.

PLANNING COMMISSION
RESOLUTION NO.
PAGE 3 OF 7

13. All improvement plans, including grading and public improvement plans must be prepared in accordance with City approved information. Benchmark references to be obtained from the Engineering Division.
14. A water plan must be submitted for review and approval by the City Engineer. This plan must substantiate adequate water service for domestic flow, fire flow and identify backflow prevention. If current fire flow and pressure tests are not available to substantiate adequate pressure and flow to serve the development, the developer will be responsible for conducting the appropriate tests and submitting copies of the test results for review and ultimate approval by the City.
15. Water Division requirements must be determined upon completion and submittal of a water meter sizing sheet by the applicant. This may include up sizing of water meter and water services. All upgrading costs are the responsibility of the property owner and must be completed before the City approves grading and drainage plans.
16. Provide survey monuments denoting the new property boundaries and lot lines to the satisfaction of the City Engineer. All maps must be prepared from a field survey. Compiled maps will not be permitted unless prior approval is granted by the City Engineer. Whenever possible, lot lines must be located to coincide with the top of all man-made slopes. Any deviation from this requirement must be approved by the City Engineer.
17. A site drainage plan must be prepared for review and approval by the City Engineer. The property drainage must be designed so that the property drains to the public street or in a manner otherwise acceptable to the City Engineer. A hydrology and hydraulic study of the site may be required for submittal to the City Engineer for review and approval.
18. All storm drainage facilities serving the development must accommodate a 50 year storm. If existing storm drain facilities are inadequate they must be enlarged as necessary. All storm drain facilities must be designed and constructed to Los Angeles County Department of Public Works standards and specifications and also to the satisfaction of the City Engineer before the City approves grading and drainage plans.
19. Any damage done to existing street improvements and utilities during construction must be repaired before acceptance of the project. Pre-existing damaged, deteriorated, substandard or off-curb curb, gutter, driveways and sidewalk must also be repaired or replaced to the satisfaction of the City Engineer. All existing driveways, if not to be used, must be removed and replaced with curb and sidewalk. Sidewalk must be full parkway width.

**PLANNING COMMISSION
RESOLUTION NO.
PAGE 4 OF 7**

20. All public works improvements must comply with the standards and specifications of the City and to the satisfaction of the City Engineer.
21. All electric, telephone and cable TV utility services must be fully installed underground and to required City standards. Satisfactory provisions for all other utilities and service connections, including water, sewer and gas, must be made to City and public utility standards. A utility plan must be prepared and submitted before the City approves grading and drainage plans, showing all existing and proposed utilities. The utilities may be shown on either a separate plan or on the proposed site plan.
22. A sewer connection reconstruction fee will be assessed at the time the City issues a building permit pursuant to MPMC Chapter 14.06. Provide an irrevocable offer of dedication, in a form approved by the City Attorney, for 9 feet of real property along Atlantic Boulevard frontage for street and public utility purposes per City Ordinance No. 1946 and MPMC Chapter 14.16. Additional dedication/easement may be required to construct a bus turnout along Atlantic Boulevard, as determined by the City-approved Traffic Impact Study.
23. Construct a 25 feet radius curb return and relocate all existing interfering street improvements and structures (traffic signs, fire hydrants, catch basin, etc.)
24. Construct a wheelchair ramp in the curb return at the street intersection.
25. All buildings must have roof gutters and all roof drainage must be conducted to the public street or an approved drainage facility in a manner approved by the City Engineer before the City approves drainage plans.
26. The geological and technical report must be submitted by the developer's consultant with the submittal of the grading and drainage plan. A review deposit of \$2,674 is to be submitted for the said report.
27. The grading and drainage plan must be submitted by the first plan check and incorporate all pertinent site development comments from the City's geological and geotechnical consultants and also must include the approved geological and geotechnical report submitted by the developer's consultant.
28. Parkways must be irrigated and landscaped per plans submitted for review and approval by the City Engineer before the first plan check. The need for preserving existing street trees and/or providing additional street trees must be reviewed and approved by the Parks Division.
29. Submit a complete detailed striping plan. Final conditions and comments cannot be determined until a plan is submitted that is sufficiently complete per MPMC § 21.22.150.

**PLANNING COMMISSION
RESOLUTION NO.
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30. The off-site driveway approach must align true and square with the on-site driveway.
31. One-way traffic must have a minimum of 12 feet in width; two-way traffic must have a minimum of 26 feet in width per MPMC Table 21.22(D).
32. Show existing curb markings and street signage fronting the project on plans. MPMC § 21.22.180(B).
33. Provide scaled turning templates for larger vehicles, e.g., sport utility vehicles per MPMC § 21.22.320(A).
34. Each parking stall must have a minimum of 18 feet perpendicular to the stall and 12 feet parallel to the stall, directly adjacent to the rear of the stall, to allow for vehicle maneuverability clearance.
35. The sidewalk, curbs, gutters, and accessible ramps must be per California Building Code requirements, as adopted by the MPMC.
36. A site and landscape plan must be submitted for the public right-of-way. Utilities, street lights, fire hydrants, etc. must be shown. On South Atlantic Boulevard, the designated street tree is alternating Gold Medallion and Pink Crape Myrtle. On West Garvey Avenue, the designated street tree is Queen Palm.
37. The telephone vault on the sidewalk on Garvey Avenue must be at the same grade level as the sidewalk.

FIRE:

38. The applicant must provide a minimum unobstructed width of 26 feet, except for approved security gates in accordance with California Fire Code ("CFC") § 503.6, as adopted by the MPMC, and an unobstructed vertical clearance "clear to sky" Fire Department vehicular access to within 150 feet of all portions of the exterior building walls pursuant to CFC § 503.2.1, as adopted by the MPMC. Crosshatch the Fire Department vehicle access on the site plan, and label the width. Provide a note that states, "An unobstructed vertical clearance."
39. Dead-end fire apparatus access roads exceeding 150 feet in length must be provided with an approved Fire Department turnaround per CFC § 503.2.5, as adopted by the MPMC. Crosshatch the Fire Department turnaround on the site plan and label the dimensions of the turnaround.
40. Fire Department vehicular access roads must be hardscape all weather access in accordance with the Department's All Weather Access requirements per CFC § 503.2.3. Provide note on site plan and label the surface type for the access road on the site plan. A letter or statement, wet-stamped and signed by a

**PLANNING COMMISSION
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registered engineer must be provided on the plans certifying that any new roadway meets the 75,000 pound all weather requirements.

41. A minimum of 5 foot wide approved firefighter access walkway leading from the fire apparatus access road to the building's exterior openings must be provided for fire fighting and rescue purposes per CFC § 504.1, as adopted by the MPMC. Show the firefighter walkway access routes on the site plan and label the required width.
42. Fire apparatus access roads must be identified with approved signs. Temporary signs must be installed at each street intersection when construction of new roadway allows passage by vehicles. Signs must be approved size, weather resistant and be maintained until replaced by permanent signs per CFC § 505.2. Provide note on site plan.
43. 2013 CFC Table B105 must determine the required fire flow from fire hydrants at this location based on type of construction and occupancy classification. Plan submittal must include fire flow test data to be obtained within one year of the submittal date. The fire flow test can be requested at the Fire Prevention office per CFC Table B105. Provide flow test form upon re-submittal of plan.
44. Show all existing public fire hydrants within 250 feet of the lot frontage on both sides of the street. Specify size of fire hydrant(s) and dimensions(s) to property lines. Additional fire hydrant requirements may be necessary after this information is provided per CFC § 507.1, as adopted by the MPMC. Show the size and locations of all existing fire hydrants on site plan.
45. All fire hydrants must measure 6" x 4" x 2-1/2", brass or bronze, conforming to American Water Works Association Standard C503, or approved equal; and must be installed in compliance with CFC § 507, as adopted by the MPMC. Provide note on site plan.
46. All required public fire hydrants must be installed, tested, and accepted prior to beginning construction per CFC § 501.4. All on-site fire hydrants must be installed, tested, and approved prior to building occupancy per CFC § 905.5.1.
47. Provide CBC occupancy classification(s) for all separate and distinct uses of the structure(s) in accordance with CBC § 302.1.
48. Provide CBC type of construction in accordance with CBC § 602.1 and Table 601.
49. The height and area of buildings of different construction types must be governed by the intended use of the building and must not exceed the limits in Table 503 except for area modifications in CBC § 506.

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RESOLUTION NO.
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50. The fire-resistance rating of exterior walls with a fire separation distance must comply with CBC Table 602 and Table 705.8 and CBC § 705.
51. Fire resistive assemblies for the protection of openings, when required by the Building Code must comply with CBC § 715 and Table 715.4.
52. Where elevators are provided in buildings four or more stories above grade plane or four or more stories below grade plane, at least one elevator must be provided with the stretcher requirements of CBC § 302.4.
53. Provide an approved automatic fire sprinkler system as set forth by CBC § 903 and CFC § 903. Plans must be submitted for review and approval before installation.
54. Provide an approved Class I standpipe system as set forth by CBC and CFC § 905. Submit plans to the Sprinkler Plan Check Unit for review and approval before installation.
55. Provide occupant load calculation and exit width analysis for all portions of the building in accordance with CBC § 1004, 1005, Table 1004.1.1 and Table 1005.1.
56. If the occupied floors located more than 75 feet above the lowest level of fire department vehicular access must comply with requirements of high rise building 2013 CBC § 403.
57. All new buildings must comply with the requirements of the CFC § 510 for approved emergency responder radio coverage.

By signing this document, the authorized representative M&A Gabee, LP, certifies that the he or she has read, understood, and agrees to the Project Conditions listed in this document.

M&A Gabee, LP, Applicant

EXHIBIT B

Finding of Consistency

EXHIBIT B
Finding of Consistency with the 2014 Mitigated Negative Declaration for the
Atlantic Garvey Mixed-Use Development (PP-13-01)
(Case No. MPP-15-01)

January 27, 2015

On December 17, 2014, M&A Gabee, LP, submitted an application (the “Revised Precise Plan January 2015”) to modify the Atlantic Garvey Mixed-Use Development Precise Plan approved by the Planning Commission on March 13, 2014. The applicant seeks to modify the approved Precise Plan (PP-13-01) to construct a new 7 stories, 66.5 feet tall and 192,385 square feet mixed-use development. The project will have two-levels of restaurant and commercial uses, five levels of hotel rooms and apartment units, and one level of subterranean parking and three levels of above grade parking. The project includes 148 hotel rooms, 98 residential apartment units and 444 parking spaces. The building architecture, landscaping, access, number of hotel rooms and apartment units, parking spaces, and off-site improvements for the Atlantic Garvey Mixed-Use Development will be the same as the Precise Plan approved by the Planning Commission on March 13, 2014.

The Revised Precise Plan January 2015 is considered a “project” under the California Environmental Quality Act (CEQA). Thus, environmental review is required pursuant to CEQA (Public Resources Code §§ 21000, *et seq.*), the CEQA Guidelines (14 Cal. Code of Regulations §§ 15000, *et seq.*), and the City of Monterey Park environmental guidelines.

Background

As required by CEQA, the City previously prepared an Initial Study to determine what environmental impacts, if any, would be generated by the proposed project. Following the Initial Study, it was determined that although the proposed project could have a significant effect on the environment, there will not be significant effects in this case because revisions in the project have been made by or agreed to by the project proponent and a Mitigated Negative Declaration was prepared. Less than significant impacts with mitigations incorporated were identified in the areas of Air Quality, Cultural Resources, Hazardous Materials, Noise, and Transportation and Traffic.

On March 13, 2014, the Planning Commission adopted Resolution No. 09-14 approving the Mitigated Negative Declaration (MND) for the Atlantic Garvey Mixed-Use Development. The mitigation measures relative to air quality, cultural resources, hazardous materials, and noise addresses actions that must be taken prior and during the construction process. Implementation of mitigation measures identified in MND will be monitored as called for in the Mitigation Monitoring and Reporting Program adopted on March 13, 2014. The circumstances, impacts, and mitigation requirements identified in the MND remain applicable to the proposed Revised Precise Plan January 2015.

Environmental Analysis

The CEQA Guidelines provide that if a project is proposed which is the subject of a previous environmental document and the City finds that no new effects could occur or new mitigation measures would be required, the City can approve the activity as being within the scope of the project covered by the previous environmental document and no new environmental document would be required (see, e.g., CEQA Guidelines § 15168). As set forth below, the Planning Commission finds that the Project is consistent with the approved project and the environmental analysis set forth in the 2014 MND. Consequently, a new environmental document is not required. Specifically, the Project will not result in any new environmental effects or require additional mitigation measures. Accordingly, the Project will not result in any additional development beyond that anticipated in the 2014 MND.

Findings

Based on the above analysis, the Planning Commission makes the following findings:

1. On March 13, 2014, the Planning Commission adopted Resolution No. 09-14, which adopted the 2014 Mitigated Negative Declaration, and approved Precise Plan (PP-13-01) for the construction of a new mixed-use development at 808 West Garvey Avenue.
2. The Revised Precise Plan January 2015 will not facilitate the creation of any development beyond that anticipated and accounted for by the 2014 MND.
3. Approval of the Revised Precise Plan January 2015 will not result in any new or increased environmental effects, and no new mitigation measures are required.
4. Pursuant to CEQA Guidelines § 15168(c)(2), no new environmental documentation is required for approval of the Revised Precise Plan January 2015.

EXHIBIT C

Monterey Park Traffic Impact Study – Supplemental Review Letter

December 16, 2014

Ms. Samantha Tewasart
PLANNING DIVISION
CITY OF MONTEREY PARK
320 West Newmark Avenue
Monterey Park, CA 91754

**Subject: Monterey Park Hotel Traffic Impact Study – Supplemental Review Letter
(Revised 12/16/14)**

Dear Ms. Tewasart:

RK ENGINEERING GROUP, INC. (RK) would like to provide this supplemental review letter for the Monterey Park Hotel Project. RK previously prepared the Traffic Impact Study, dated April 16, 2014. It has come to RK's attention the site plan for this project has changed, and the City of Monterey Park is requesting further review of the new plan to determine whether additional traffic impacts would be expected.

The following sections of this review letter provide further examination of the changes to the project.

Project Overview

The developer has acquired additional real estate and revised the site plan to incorporate the new property. There have been changes to the floor plans for the various uses within the site, as well as changes to the parking garage and on-site circulation.

The project still includes 148 hotel rooms and 98 apartment units, same as previously proposed. The retail portion of the site has decreased from 1,570 square feet to 1,029 square feet, the total restaurant square footage has increased from 12,295 square feet to 12,609 square feet, and the size of the meeting space has decreased from 3,495 square feet to 3,428 square feet.

Trip Generation Comparison

A trip generation comparison table has been prepared showing the previously approved project trip generation and the currently proposed project trip generation. The currently proposed project results in the same or fewer number of trips expected to be generated. The currently proposed project is expected to have no change for weekday daily trip

generation, and Saturday daily trip generation is expected to decrease by 10 total daily trips.

No significant changes to the level of service analysis would be expected due to the change in trips and the findings and recommendations of the Traffic Impact Analysis would still be considered valid and would show a worst case scenario.

The results of the Trip Generation Comparison are shown on Table 1.

Site Access

The project still provides three (3) access points; one (1) access on Garvey Avenue, one (1) access on Atlantic Boulevard, and one (1) access on Mabel Avenue. The driveway configurations and locations are generally the same as previously analyzed, and all access restrictions are still applicable as previously noted in the traffic impact study. The project would still be required to install a traffic signal at the Garvey Avenue access, the Atlantic Boulevard access would be restricted to right-in/right-out only, and the Mabel Avenue access would be controlled by a gate for residential access only and turning movements would be restricted to right-in/left-out only.

Parking

The new plan will continue to provide 444 on-site parking stalls. The ULI Shared Parking calculations have been re-analyzed based on the new development plan. The peak parking demand expected for this site is 432 spaces. Therefore, it is expected that the proposed development would have sufficient parking to accommodate peak demand. The ULI shared parking calculation are included in the attached Table 2.

The new site plan includes more tandem parking stalls for the residential, hotel and restaurant uses. A total of 144 tandem stalls will be provided. Tandem parking would be limited to two spaces located one behind the other where one space is accessible at all times. Residential units would be assigned one tandem stall per unit. Tandem parking would not be assigned for residential guest parking. Tandem parking for hotel and restaurant uses would be serviced by valet only.

The Monterey Park Municipal Code Section 21.22.340 allows tandem parking for commercial uses under the following conditions;

The subject property is located in a commercial zone and the proposed use obtains a conditional use permit approving tandem parking.

- (1) Tandem parking is limited to two spaces located one behind the other where one space is accessible at all times; and*

- (2) *Valet/attendant parking must be provided at all hours of operation of the commercial project to serve the tandem parking area; and*
- (3) *A special valet/attendant parking plan must be provided in conjunction with tandem parking and is subject to approval as part of the conditional use permit based upon the review and recommendation of the City Engineer. The plan must detail the valet operation, and the minimum number of attendants to be present during the various hours of business operations.*

The Monterey Park Municipal Code does not specify requirements for residential tandem parking. However, Section 22.52.1180 of the County of Los Angeles Code of Ordinances does allow tandem parking for residential uses and states the following;

Where two spaces are required or reserved for a dwelling unit such spaces may be developed in tandem. The minimum dimensions for such tandem spaces are eight feet wide and a total of 36 feet long for standard spaces and seven and one-half feet wide and a total of 30 feet long for compact spaces.

Based on the proposed site plan, the tandem stall dimensions would be 9 feet wide by 36 feet long for standard spaces and 9 feet wide and 33 feet long for compact spaces. The proposed tandem parking stalls comply with the County of Los Angeles requirements.

A total of 94 compact parking stalls are shown on the site plan with 65 designated for commercial use (29% of total commercial parking). The City's municipal code allows up to 30% of commercial parking to be compact, thus the project is in compliance with the compact parking standard. The Monterey Park Municipal Code does not specify compact parking requirements for residential uses.

On-Site Circulation

The site will still have restricted access to the residential parking controlled by a gate. The valet turnout and loading area remain relatively unchanged adjacent to the main lobby. An additional drive aisle ramp within the parking structure has been added, providing a second location for vehicles to traverse up and down through four parking levels. The additional ramp will help improve circulation within the structure.

The revised site plan configuration, with the increased number of tandem parking stalls, is not expected to have a significant impact on on-site circulation. Any blockage of drive aisles from vehicles shuffling in and out of tandem stalls would be considered temporary and minor. Tandem parking is located away from access points and main drive aisles further reducing the chance of conflicts. The project will need to provide a valet parking management plan prior to the satisfaction of the City Engineer, prior to operation.

Conclusions

Based on the assessment of the new development plan, The Monterey Park Hotel Project would not cause any additional off-site traffic impacts. The findings and recommendations described in the traffic impact study represent a worst case scenario and would still be considered applicable to the revised project.

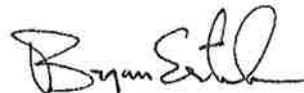
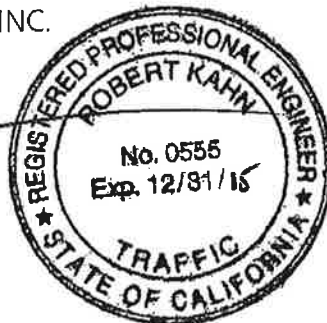
When considering the implications of the increased tandem parking and compact stalls, it would be sensible to consider the recommendations described by the Institute of Transportation Engineers (ITE) in the *Smart Growth - Transportation Guidelines: An ITE Proposed Recommended Practice (2003)*. In particular the first goal of smart growth urges decision makers to "pursue compact, efficient land use patterns to maximize transportation efficiency and improve the neighborhood environment." The proposed design adequately and efficiently accommodates parking demand and requirements, while minimizing impacts to the surrounding environment. Based on the standards set forth by the City of Monterey Park and the County of Los Angeles, the proposed design is adequate.

RK Engineering Group, Inc. is pleased to provide the City of Monterey Park with this Supplemental Review Letter. Please refer to the Monterey Park Hotel Traffic Impact Study (April 16, 2014) for more details. If you have any questions regarding this letter, or would like further review, please do not hesitate to call us at (949) 474-0809.

Sincerely,
RK ENGINEERING GROUP, INC.



Robert Kahn, P.E.
Principal



Bryan Estrada, PTP
Senior Transportation Planner

Attachments

TABLE 1
Trip Generation Comparison

PREVIOUSLY APPROVED PROJECT TRIP GENERATION													
WEEKDAY PROJECT TRIP GENERATION										SATURDAY PROJECT TRIP GENERATION			
Land Use	Quantity	Units ¹	Weekday Peak Hour						Weekday Daily	Saturday Peak Hour			Saturday Daily
			AM			PM				In	Out	Total	
			In	Out	Total	In	Out	Total					
Hotel	148	RM	46	32	78	45	44	89	1,209	60	47	107	1,212
Apartments	98	DU	10	40	50	39	21	60	652	25	25	50	626
Restaurant	12,295	TSF	45	37	82	62	31	93	1,107	83	57	140	1,190
Less 50% Internal Capture Trips			-22	-18	-41	-31	-15	-46	-553	-41	-28	-70	-595
Net Total Restaurant			23	19	41	31	16	47	554	42	29	70	595
Specialty Retail Center	1,570	TSF	1	1	2	2	2	4	70	2	2	4	66
Less 50% Internal Capture Trips			0	0	0	-1	-1	-2	-35	-1	-1	-2	-33
Net Total Specialty Retail			1	1	2	1	1	2	35	1	1	2	33
Previous Project Trip Generation (Less Internal Capture Trips)			80	92	171	116	82	198	2,450	128	102	229	2,466

CURRENTLY PROPOSED PROJECT TRIP GENERATION													
WEEKDAY PROJECT TRIP GENERATION										SATURDAY PROJECT TRIP GENERATION			
Land Use	Quantity	Units ¹	Weekday Peak Hour						Weekday Daily	Saturday Peak Hour			Saturday Daily
			AM			PM				In	Out	Total	
			In	Out	Total	In	Out	Total					
Hotel	148	RM	46	32	78	45	44	89	1,209	60	47	107	1,212
Apartments	98	DU	10	40	50	39	21	60	652	25	25	50	626
Restaurant	12,609	TSF	47	38	85	63	31	94	1,134	81	56	137	1,192
Less 50% Internal Capture Trips			-24	-19	-43	-32	-15	-47	-567	-40	-28	-68	-596
Net Total Restaurant			23	19	42	31	16	47	567	41	28	69	596
Specialty Retail Center	1,029	TSF	1	0	1	1	2	3	45	1	2	3	43
Less 50% Internal Capture Trips			0	0	0	0	-1	-1	-23	0	-1	-1	-21
Net Total Specialty Retail			1	0	1	1	1	2	22	1	1	2	22
Current Project Trip Generation (Less Internal Capture Trips)			80	91	171	116	82	198	2,450	127	101	228	2,456

TRIP GENERATION COMPARISON											
WEEKDAY PROJECT TRIP GENERATION											
Scenario	Weekday Peak Hour						Weekday Daily	Saturday Peak Hour			Saturday Daily
	AM			PM							
	In	Out	Total	In	Out	Total		In	Out	Total	
Previous Project Trip Generation	80	92	171	116	82	198	2,450	128	102	229	2,466
Current Project Trip Generation	80	91	171	116	82	198	2,450	127	101	228	2,456
Change	0	-1	0	0	0	0	0	-1	-1	-1	-10

¹ RM = Rooms
DU = Dwelling Units
TSF = Thousand Square Feet

TABLE 2
NON-RESIDENTIAL SHARED PARKING DEMAND SUMMARY
PEAK MONTH: AUGUST – PEAK PERIOD: 8 PM, WEEKEND

PEAK MONTH: AUGUST - PEAK PERIOD: 8 PM WEEKEND																							
				Weekday										Weekend									
Land Use	Quantity	Project Data	Base			Non-Captive			Base			Non-Captive			Unit	Peak Hr	Peak Mo		Estimated Parking	Peak Mo	Estimated Parking		
			Rate	Adj	Ratio	Rate	Adj	Ratio	Rate	Adj	Ratio	Rate	Adj	Ratio									
																	Aug	Adj				Ratio	
Community Shopping Center (<400 ksf)	1,036 sf GLA		3.22	0.90	0.50	1.45	0.50	0.90	3.20	0.90	0.50	1.44	0.50	0.90	/ksf GLA	5 PM	Adj	Aug	0.69	0.69	0		
Employee			0.78	1.00	1.00	0.78	1.00	1.00	0.80	1.00	1.00	0.80	1.00	1.00	/ksf GLA	7 PM	Adj	Aug	0.80	0.80	1		
Fine/Casual Dining Restaurant	13,400 sf GLA		8.47	0.90	0.50	3.81	0.50	0.90	8.50	0.90	0.50	3.83	0.50	0.90	/ksf GLA	1.00	Adj	Aug	0.99	0.99	50		
Employee			1.53	1.00	1.00	1.53	1.00	1.00	1.50	1.00	1.00	1.50	1.00	1.00	/ksf GLA	1.00	Adj	Aug	1.00	1.00	21		
Hotel-Business	11 rooms		1.17	0.90	1.00	1.05	1.00	0.90	1.27	0.90	1.00	1.14	1.00	0.85	/rooms	0.80	Adj	Aug	1.00	1.00	10		
Hotel-Leisure	137 rooms		0.78	0.90	1.00	0.70	1.00	0.90	0.85	0.90	1.00	0.77	1.00	0.95	/rooms	0.90	Adj	Aug	1.00	1.00	91		
Conference Ctr/Banquet (20 to 50 sq ft/guest)	3,428 sf GLA		10.00	0.90	0.50	4.50	0.50	0.90	10.00	0.90	0.50	4.50	0.50	1.00	/ksf GLA	1.00	Adj	Aug	1.00	1.00	15		
Employee			0.33	1.00	1.00	0.33	1.00	1.00	0.23	1.00	1.00	0.23	1.00	0.20	/rooms	0.55	Adj	Aug	1.00	1.00	19		
															Unadjusted Parking Demand		Unadjusted Parking Demand		Unadjusted Parking Demand		Unadjusted Parking Demand		
															ULI Shared Parking Demand		ULI Shared Parking Demand		ULI Shared Parking Demand		ULI Shared Parking Demand		
															Customer		Customer		Customer		Customer		
															Employee		Employee		Employee		Employee		
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ULI base data have been modified from default values.

ULI base data have been modified from default values.

Shared Parking Reduction 44%
 40%
 ULI Peak Non-Residential Demand = 211
 Residential Parking Req. (City Code) = 221
 Total Parking Demand = 432
 Total Parking Provided = 444



Planning Commission Staff Report

DATE: January 27, 2015

AGENDA ITEM NO: 2-B

TO: The Planning Commission

FROM: Michael A. Huntley, Community and Economic Development Director

SUBJECT: Regulations affecting the number of rooms that may be leased in single family dwelling units; providing definitions of boarding houses; and updating other parts of the Monterey Park Municipal Code to preserve residential neighborhoods and protect public health and safety.

RECOMMENDATION:

It is recommended that the Planning Commission consider:

- (1) Reviewing a draft ordinance regulating boarding houses and updating other provisions of the Monterey Park Municipal Code ("MPMC") to reconcile such regulations;
- (2) Providing comments and direction regarding the proposed ordinance;
- (3) Scheduling a public hearing for February 10, 2015 to consider a final draft of the proposed ordinance;
- (4) Taking such additional, related, action that may be desirable.

Background:

1/28/15

GO MPK

Request #	Type	Status	Date Entered	Assigned To	Description
117	Request for Boarding House	Open	1/28/15	Request for Boarding House	Request for Boarding House
118	Request for Boarding House	Open	1/28/15	Request for Boarding House	Request for Boarding House
119	Request for Boarding House	Open	1/28/15	Request for Boarding House	Request for Boarding House
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Since the launch of the City's new mobile application "GO MPK" in 2013, the City is able to better respond to public concerns. Among these is an increase in complaints regarding commercial enterprises using residential dwelling units for boarding homes and residential motels. Since 2013, the City received more than 139 complaints of such activity. A review of code enforcement records show that the City sent 113 notices of violation and issued 35 citations since 2010; the City already sent a notice of violation in January 2015.

Residentially zoned areas within the City are intended to preserve neighborhood quality, character, and livability, and minimize adverse impacts to adjacent properties. Commercial use of dwelling units within these areas disrupts neighborhood characteristics by attracting transient tenants; adversely impacting on-street parking; and creating other secondary effects such as noise and increased vehicle traffic. All such impacts may be expected in higher use zones – that are planned and regulated for multi-person uses – but not in typically single family residential zones.



Tenant Overcrowding

Moreover, the tenants that utilize the types of lodgings within (typically) single family dwelling units may also be at risk because of overcrowding, fire hazards, and the close proximity of other tenants within buildings intended for single families (rather than multiple tenants). Owners of these buildings may make interior (or exterior) improvements without building permits in order to accommodate a greater number of tenants. It is not unusual for code enforcement officials to find partitions in large common rooms that were erected without building

permits. Such improvements may threaten the health and safety of occupants under various circumstances including, without limitation, earthquakes.

The draft ordinance is intended to regulate the types of commercial lodging enterprises that affect residential neighborhoods. Such lodging enterprises generally involve a dwelling unit where three or more rooms are rented individually or separately, to tenants under separate rental agreements. Alternatively, these are dwelling units where rooms are rented individually or separately, resulting in multiple, independent living units. Under both scenarios (and others) tenants do not share common access or financial responsibility for use of the dwelling unit as a whole.



Unsafe partitions

Overall, this type of lodging is more appropriately regulated through a conditional use permit ("CUP") issued by the City. Such oversight would help ensure that the secondary effects of a boarding house, e.g., increased parking, traffic, and noise, can be mitigated to the extent possible. Moreover, such enterprises should generally be overseen by a professional management company; something that the City can also help ensure through a CUP.

As may be seen, the draft ordinance defines a "boarding house" as

"a dwelling unit where three or more rooms are rented to individuals under separate rental agreements or leases, either written or oral or implied, whether or not an owner, agent, or rental manager is in residence. Meals may be provided to boarders in connection with the renting of rooms or common kitchen facilities may be provided."

If a dwelling unit meets the definition of a boarding house, it is prohibited in an R-1 zone; it is permissible with a conditional use permit in R-2 and R-3 zones. Other provisions of the draft ordinance are intended to reconcile the remainder of the MPMC with this change.

If adopted, the ordinance would amend the MPMC to help ensure that residential neighborhoods are used in the manner intended and that boarding houses – as defined by the draft ordinance – are properly regulated.

Respectfully submitted,

Michael A. Huntley
Director of Community and Economic Development

Reviewed by:



Karl H. Berger
Assistant City Attorney

Attachments:

Exhibit A: Draft Ordinance

Exhibit B: GO MPK Complaints

ORDINANCE NO. _____

AN ORDINANCE AMENDING MONTEREY PARK MUNICIPAL CODE ("MPMC") § 21.04.147 REGULATING BOARDING HOUSES; ADDING § 21.04.037 DEFINING ADULT CARE FACILITY; AMENDING MPMC § 21.04.251; DELETING § 21.04.469 DEFINING HOME CARE; ADDING § 21.04.483 DEFINING SOBER LIVING FACILITY; AMENDING § 21.04.743 DEFINING RESIDENTIAL CARE FACILITY; ADDING § 21.04.799 DEFINING SINGLE FAMILY RESIDENCE; AMENDING § 21.04.812 DEFINING SOBER LIVING FACILITY; AMENDING § 21.08.030 REGULATING LAND USES IN R-1 ZONES; AMENDING § 21.08.040 REGARDING RENTING; AND AMENDING § 21.32.020 REGULATING RENTING OF BOARDING HOUSES.

The City Council of the City of Monterey Park does ordain as follows:

SECTION 1: *Findings.* The City Council finds and declares as follows:

- A. The City's ability to exercise its powers in accordance with Article XI, § 7 of the California Constitution to regulate land use is well-established. This ordinance is intended to regulate aesthetics, traffic, parking, public peace, and other, similar, matters related to public health, safety, and welfare;
- B. A review of the Monterey Park Municipal Code ("MPMC"), as defined by this Ordinance, demonstrates that amendments are needed to bring the City's land use regulations into conformance with applicable federal and state laws; and
- C. Adopting this Ordinance is in the public interest because it is designed to protect public health and safety while also promoting public welfare.
- D. The City has in recent years experienced a great number of boarding houses that house temporary residents in residential housing, often in unsafe conditions.
- E. This ordinance is tailored to preserve the residential character of a neighborhood by prohibiting commercial enterprises such as boarding house businesses in the R-1 zone and clarifying regulations in the R-2 and R-3 residential zones while respecting the rights to privacy and association that the California Supreme Court recognized in *City of Santa Barbara v. Adamson* (1980) 27 Cal.3d 123 and related cases.
- F. This ordinance expressly exempts from the definition of a boarding house "households" defined by the permanency of relationships and other indicia that bear the generic character of a family unit and does

not define “households” by familial, biological or legal relationships.

- G. Similar regulations that prohibit or regulate transient commercial uses of residential property have been upheld in cases such as *Ewing v. City of Carmel-By-The-Sea* (1991) 234 Cal.App.3d 1579 because such regulations are rationally related to preservation and enhancement of the residential character of the neighborhood and stability of the community.
- H. Short-term tenants that stay only for one night, a week, or even a few months in its residential area have little interest in public agencies or the welfare of its citizenry as they do not participate in local government and community organizations that strengthen a City and its residents.
- I. The proposed amendment is consistent with the goals, policies, and objectives of the General Plan including [City staff – please find consistent policies to insert here].
- J. This Ordinance promotes public health, safety, and general welfare and serves the goals and purposes of the MPMC.

SECTION 2: MPMC § 21.04.037 is added to read as follows:

“21.04.037 Adult care facility.

“Adult care facility” means any facility licensed by the State and/or County that provides nonmedical care to persons eighteen (18) years of age or older in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a twenty-four (24) hour basis.”

SECTION 3: MPMC § 21.04.147 is amended in its entirety to read as follows:

“21.04.147 Boarding House or Rooming House.

“Boarding house or rooming house” means a dwelling unit where three or more rooms are rented to individuals under separate rental agreements or leases, either written or oral or implied, whether or not an owner, agent, or rental manager is in residence. Meals may be provided to boarders in connection with the renting of rooms or common kitchen facilities may be provided. This definition does not include household, residential care facility; group home; community care facility; emergency shelter; sober living facility; transitional housing; hotel, motel, single room occupancy or extended lodging facility as these terms are defined in this code.”

SECTION 4: MPMC § 21.04.251 is amended in its entirety to read as follows:

“21.04.251 Community Care Facility.

“Community care facility” means a community care facility as that term is defined in Health & Safety Code §1502.”

SECTION 5: MPMC § 21.04.469 is deleted in its entirety.

SECTION 6: MPMC § 21.04.483 is amended to read in its entirety as follows:

“21.04.483 Household.

“Household” means a single housekeeping unit where occupants of a dwelling unit have established social ties and familiarity with each other; jointly use common areas; interact with each other; share meals, household activities, expenses, and responsibilities. Additionally, membership within a household is stable instead of transient, and the residential activities of the household are conducted on a nonprofit basis. Indicia that a household is not operating as a household include, without limitation, the occupants do not share a lease agreement or ownership of the property, occupants stay less than 180 days, or occupants have separate, private entrances from other residents.”

SECTION 7: MPMC § 21.04.743 is amended in its entirety to read as follows:

“21.04.743 Residential Care Facility.

“Residential care facility” means a residential facility as that term is defined in Health & Safety Code §1502.”

SECTION 8: MPMC § 21.04.799 is amended to read in its entirety as follows:

“21.04.799 Single-family residence.

“Single-family residence” means an attached or detached building not to contain more than one kitchen where the occupants of the dwelling unit live and function together as a household.”

SECTION 9: A new § 21.04.812 is added to the MPMC to read as follows:

“21.04.812 Sober living facility.

“Sober living facility” means a group home for persons who are recovering from drug and/or alcohol addiction and who are considered handicapped under state or federal law. Sober living homes do not include the following: (1) licensed community care facilities; (2) any sober living facility that

operates as a household; or (3) any facility that provides the services set forth in 9 California Code of Regulations § 10501(a)(6). All occupants, other than the house manager, must actively participate in recognized recovery programs including, without limitation, Alcoholics Anonymous or Narcotics Anonymous, and the sober living facility must maintain current records of meeting attendance. The sober living facility's rules and regulations must provide that refusal to actively participate in such a program is cause for eviction and prohibit the use of any alcohol or any non-prescription drugs at the sober living home. These rules and regulations must be posted on site in a common area inside the dwelling unit."

SECTION 10: Table 21.08(A), set forth in MPMC § 21.08.030, is amended to read as follows:

**"Table 21.08(A)
Permitted Uses in Residential Zones**

Land Uses	R-1	R-2	R-3
Single-family dwelling unit	P	P	P
Multiple-dwelling units	X	P	P
Assembly hall	C	C	C
Boarding house	X	C	C
Child care center	X	C	C
Child day care, licensed for 14 or less children (see Chapter 21.04, Definitions)	L	L	L
Community center	X	C	C
Community care facility, licensed for 6 or fewer persons	P	P	P
Community care facility, licensed for 7 or more persons	X	C	C
Condominiums	X	P	P
Congregate care facility (multiple units on one property)	X	C	C
Educational institution:			
Public	P	P	P
Parochial	C	C	C
Private (excludes tutoring)	C	C	C
Accessory use to church	C	C	C
Fraternity/sorority house	X	C	C
Golf course	C	C	C

Government facility	P	P	P
Medical marijuana dispensaries	X	X	X
Mixed-use development	X	L	L
Mobile home	L	C	C
Fraternity/sorority house	X	C	C
Nursing and convalescent hospital	X	C	C
Open space	P	P	P
Parking for off-site uses	X	C	C
Plant nursery	C	C	C
Public park	C	C	C
Public utility facility	C	C	C
Rehabilitation facility licensed for 6 or fewer persons	X	L	L
Rehabilitation facility licensed for 7 or more persons	X	X	X
Senior housing (see Chapter 21.16, Senior Citizens Housing Zone)	X	C	C
Sober living facility for 6 or less	P	P	P
Sober living facility for 7 or more persons	X	X	X
Supportive housing, licensed for 7 or more persons	X	X	C
Transitional housing, licensed for 7 or more persons	X	X	C

SECTION 11:

MPMC § 21.08.040 is amended to add subsection (N) to read as follows:

“(N) Renting. Renting not more than two sleeping rooms per dwelling unit for occupancy is allowed within residential zones subject to the following limitations:

1. Rental rooms cannot be rented for a period of less than 30 days.
2. Not more than two (2) persons are permitted to occupy one rental room.

3. Meals may be provided in connection with such renting, or the dwelling's kitchen facilities may be shared with tenants.
4. These regulations do not apply to the following uses if otherwise permitted by this code: boarding houses, licensed community care facilities, rehabilitation facilities, licensed home care facilities, or sober living facilities, congregate care facilities, fraternity/sorority house, licensed home care facilities, senior housing facilities, supportive housing or transitional housing."

SECTION 12: MPMC § 21.32.020 is amended to add subsections (C) and (D) to read as follows:

"(C) Additional Conditional Use Permit Requirements. Before the City grants a conditional use permit to a boarding house, the planning commission or city council must find:

1. Not more than four (4) sleeping rooms may be rented.
2. The boarding house contains no healthcare facilities similar to those found in a medical clinic.
3. Rental rooms cannot be rented for periods of less than 180 days.
4. Not more than two (2) persons are permitted to occupy one rental room.
5. The proposed room rental meets the requirements of all applicable law including, without limitation, building and health regulation requirements.
6. One parking space must be provided for each sleeping room.

(D) The requirements regarding a boarding house conditional permit do not apply to the following uses if otherwise permitted by a valid conditional use permit: congregate care facility (multiple units on one property); fraternity/sorority house; home care licensed for 7 or more persons; senior housing; supportive housing licensed for 7 or more persons; or transitional housing licensed for 7 or more persons."

SECTION 13: *Environmental Review.* This ordinance is exempt from additional environmental review under the California Environmental Quality Act (California Public Resources Code §§ 21000, *et seq.*, "CEQA") and CEQA regulations (14 California Code of Regulations §§ 15000, *et seq.*) because it establishes rules and procedures to permit

operation of existing facilities; consists only of minor revisions and clarifications to existing regulations and specification of procedures related thereto; and consists of actions taken to assure the maintenance, protection and enhancement of the environment. This ordinance, therefore, does not have the potential to cause significant effects on the environment. Consequently, it is categorically exempt from further CEQA review under 14 Cal. Code Regs. §§ 15301, 15305, and 15308.

SECTION 14: *Construction.* This Ordinance must be broadly construed in order to achieve the purposes stated in this Ordinance. It is the City Council's intent that the provisions of this Ordinance be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Ordinance.

SECTION 15: *Enforceability.* Repeal of any provision of the MPMC does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before this Ordinance's effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 16: *Validity of Previous Code Sections.* If this entire Ordinance or its application is deemed invalid by a court of competent jurisdiction, any repeal or amendment of the MPMC or other city ordinance by this Ordinance will be rendered void and cause such previous MPMC provision or other the city ordinance to remain in full force and effect for all purposes.

SECTION 17: *Severability.* If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 18: The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of Monterey Park's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

SECTION 19: This Ordinance will take effect on the 31st day following its final passage and adoption.

PASSED, APPROVED, AND ADOPTED this ____ day of February, 2015.

HANS LIANG,
Mayor

APPROVED AS TO FORM:
MARK D. HENSLEY, City Attorney

By: _____
Karl H. Berger, Assistant City Attorney

ATTEST:
VINCENT D. CHANG, City Clerk

By: _____